

AX-15-000-6678



HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

February 6, 2015

JIM COSTA
16TH DISTRICT
CALIFORNIA

Ms. Gina McCarthy
Administrator, Environmental Protection Agency
Office of the Administrator, Room 1101A
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator McCarthy,

It was wonderful to see you at the High Speed Rail groundbreaking in Fresno last month. Your comments were well said and well received in describing the importance, the need, and the justification for implementing a state of the art high speed rail system in California.

There is no written manual on how you construct public consensus and infrastructure for high speed rail in America. However, our collective efforts and actions could be used as a template for someone to write that book today. Every step, small and large, that we have taken to get to this point has been of immeasurable importance to this project.

The book that I have enclosed for your reading, *Nothing Like It In the World*, reveals the challenges faced by Americans over 150 years ago while building the first transcontinental railroad. The author, Stephen Ambrose, cites a number of comparable analogies on how transcontinental railroad proponents experienced difficulties of how to finance, plan, and construct the marvel of engineering in the 19th century; some of these experiences I believe are applicable today.

It is my hope that you enjoy reading this book. As always, I look forward to working with you in the future. Please let me know if there is anything my staff or I can do for you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Costa".

JIM COSTA
Member of Congress

Please let me know if
you need more almonds.

NOT PRINTED AT GOVERNMENT EXPENSE



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

Ms. Gina McCarthy
Administrator, Environmental Protection Agency
Office of the Administrator, Room 1101A
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

JIM COSTA

—



The Administrator

Washington, D.C. 20460

APR 13 2015

The Honorable James M. Costa
House of Representatives
Washington, D.C. 20515

Dear Congressman Costa:

I was pleased to receive your kind gift of the book, *Nothing Like It in the World*. It sounds like a great read, and I hope to dig into it as soon as my schedule will allow. The book and the lovely gift basket were such thoughtful gestures, and both are very much appreciated.

As you know, we at the U.S. Environmental Protection Agency share your excitement about the high-speed rail project and the ways in which it would benefit public health, our climate and the economy.

I enjoyed seeing you during the groundbreaking, and my EPA colleagues and I look forward to continuing to work with you on public-health and environmental initiatives that matter most to the citizens we are all privileged to serve.

On behalf of everyone at the EPA, I thank you for your leadership and your partnership in shaping a cleaner, healthier future for every American.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy

This letter is printed on 100% recycled paper with 10% post-consumer waste. It is printed on one side only. The paper is 100% recycled and contains no chlorine. The paper is 100% recycled and contains no chlorine.

AL-15-00-5584



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

February 9, 2015

Mr. Eric E. Wachter
Director
Office of the Executive Secretariat
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Wachter:

The U.S. Department of Agriculture has received the enclosed letter from Senator Ron Wyden office on behalf of his constituent, *Asenpt 6*.

However, we believe the issue in this letter is within the jurisdiction of the Environmental Protection Agency. Accordingly, we have taken the liberty of forwarding this letter to you for such action as you deem appropriate.

If you have any questions, please feel free to contact me by telephone at (202) 720-7100.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Lori Ross".

Lori Ross
Correspondence Analyst
Office of the Executive Secretariat

Enclosure

cc: The Honorable Ron Wyden

*EXEMPT**EXEMPT*

Tom Vilsack, Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Mr. Vilsack,

I'm writing you today to address the dubious state of agricultural operations within the United States. As part of a younger generation, it is my greatest hope to resolve the flaws in our system of production and distribution so that one day, the United States can serve as a model for the rest of the world, gifting society at large with the ability to reach a more sustainable way of life.

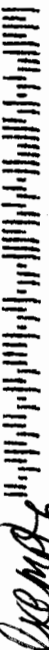
As I'm sure you are aware, industrial agriculture contributes to over 20% of our nation's CO2 emissions, a shocking figure considering it's failure to incorporate the embodied energy of fertilizer extraction and pesticide synthesis. Whether it be the rapidly depleting Phosphorus reserves, the atrocious soil quality brought about by monocultures and industrial plows, or the havoc wreaked on our water systems from the resulting runoff, I think we can agree that the influence of our agricultural system's extend far past that of the associated CO2 emissions.

It is absolutely imperative that we begin to address and better manage a component so closely tied to our food and water security. Through subsidiary and Cap and Trade techniques, we have the means to create a dynamic system that can address and integrate the complexities of positive and negative agricultural impacts into our market economy.

The facts are clear, demand for organic, pesticide free products have increased 20 percent in 14 years, yet the resulting 3 percent increase in the amount of farmland supplying these products is indicative of a true market failure. And so I urge you to consider and support a shift in the way we run these systems, exposing the externalities associated with these practices and increasing transparency in our evaluation of costs. A program entirely independent of an organic certification must be developed to better allocate our subsidies and make available the means for all farmers to shift to more sustainable practices. Only once such a program exists and is implemented will the well-being, safety and food security of our nation as a whole increase.

Sincerely,

EXEMPT

From: example 

example
example
example

OFFICE OF THE EXECUTIVE
SECRETARY, USDA

2014 DEC 23 A 5:53

To: Secretary of Agriculture: Tom Vilsack
U.S. Dep. of Agriculture
1400 Independence Ave S.W.
Washington DC 20250

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Document Mailer



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2014 DEC 22 PM 9:40

RON WYDEN
OREGON

CHAIRMAN OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

January 19, 2015

Tom Vilsack
Secretary of Agriculture
US Department Of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Mr. Vilsack:

My constituent, *Exempt* has recently contacted me regarding her concern over pesticide use in her rental home by a former tenant. Enclosed please find relevant documentation for your reference.

I would greatly appreciate your assistance in reviewing this case at your earliest convenience. I look forward to receiving your comments in my Portland Field Office at 911 NE 11th Avenue, Suite 630, Portland, Oregon 97232 or by fax at (503) 326-7528. Please do not hesitate to contact me at (503) 326-7525 if you need further information.

Thank you for your kind consideration.

Sincerely,



Ron Wyden
United States Senator

ENCLOSURE

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST, SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

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RON WYDEN
OREGON

CHAIRMAN OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

January 19, 2015

Exempt b
Dear *Exempt b*

Thank you for contacting me regarding the response you received from the Oregon Department of Agriculture to your concerns over pesticide use by a former tenant.

I have taken the liberty of forwarding your letter to the Tom Vilsack, U.S. Secretary of Agriculture. For your information, that office can be reached at 202-720-2791.

Thank you for your patience, and for the opportunity to be of service. In the future, if I can assist you regarding a federal matter, please do not hesitate to contact my Portland office.

Sincerely,



RON WYDEN
United States Senator

CC: US Department of Agriculture

COPY

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

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SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST. SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

Dear Senator Wyden-

OCT. 10, 2014

Exempt 6

Exempt 6

Thank you for your letter.

However, The materials I asked you to address were based on a letter I enclosed from The U. S. Dept. of Agriculture. I would assume that is within your purview.

Without a single phone call to me The Dept. sent me The letter stating the pesticide company did no damage.

My homeowners insurance paid out over \$18,000 to me for damages. I sent the Dept. and you photos of the soiled mattress. I sent both of you samples of white fabric turned to brown.

I ask you: Is this no damage?

Would insurance pay \$18,000 for zero damage?

It is a violation of federal law to spray a mattress.

My insurance company deserves reimbursement from the pesticide company's insurer.

The company needs to abide by federal law.

I now have a dwelling soaked from ceiling to floor with illegal and harmful chemicals.

I deserve to be paid my \$1,000⁰⁰ deductible I incurred from damages. Other homeowners deserve to be protected from this pesticide company.

This is in fact a federal issue on several levels.

How in the world can a lazy, look the other way U.S. Dept. of Agriculture work hand in glove with the pesticide and chemical industry? This is the current America. We pay taxes for nothing.

- 3 -

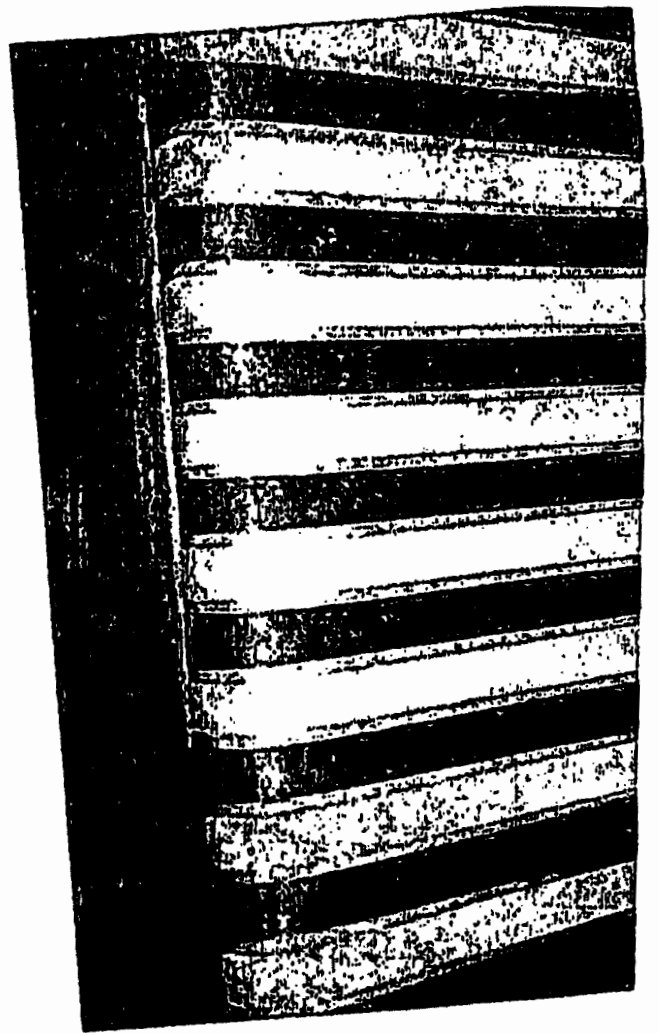
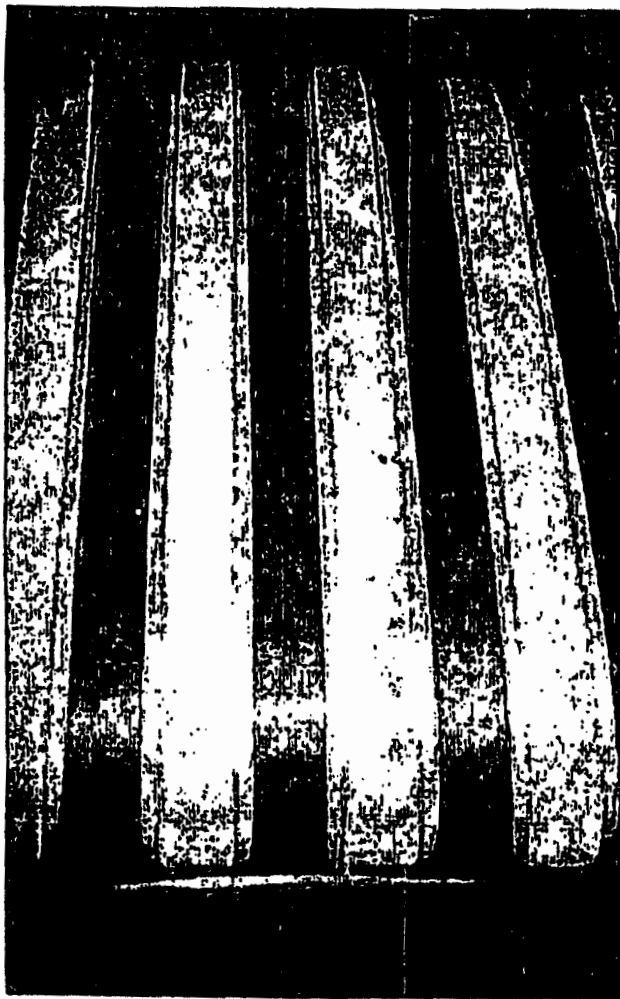
you taught a class for me at OHSU
in 1980 when you were helping
the grey panthers. I fixed a
parking ticket you got on your VW.

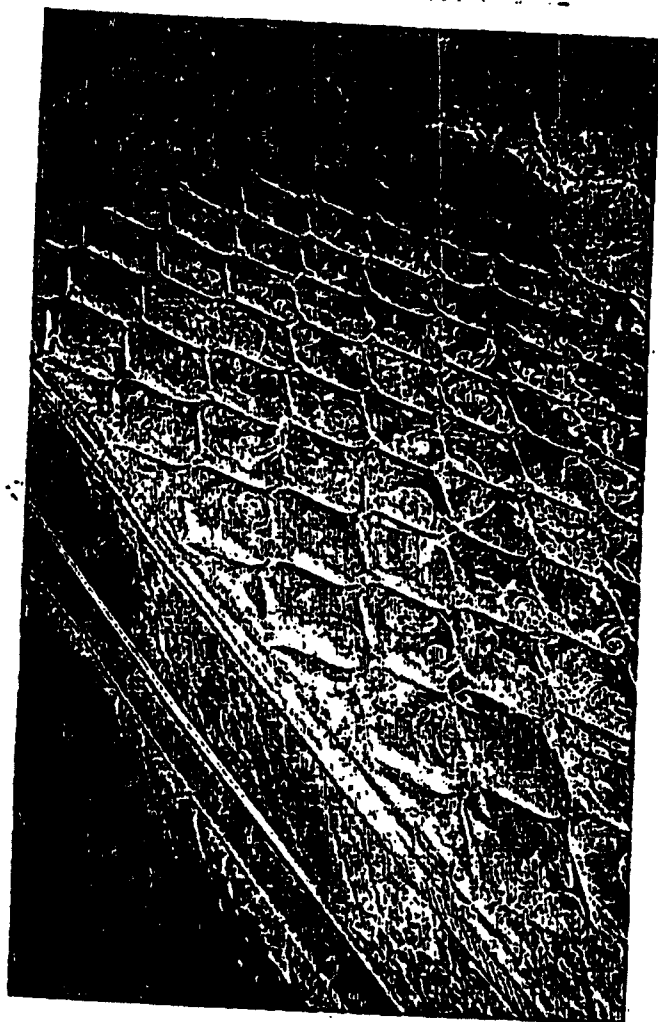
Help me now.

I am just fortunate as far as I
know there are no humans
harmed from these chemicals.

Thank you -

Exempt
retired Airforce nurse





RON WYDEN
OREGON

223 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244
(202) 224-1280 (TDD)

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:

COMMITTEE ON THE BUDGET
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
SPECIAL COMMITTEE ON AGING
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON FINANCE

October 2, 2014

... *Exempt*

Dear

Exempt

Thank you for contacting me regarding the problems you are experiencing with the fumigation company hired by your former tenant. While I understand that this must be an extremely frustrating situation, please understand that as a federal elected official, I have absolutely no authority in this matter.

This matter falls under the jurisdiction of the State of Oregon, specifically, the office of the State Attorney General Ellen Rosenblum. I would encourage you to contact their Consumer Hotline at 1-877-877-9392 for assistance with this matter.

I hope this information proves useful, and I wish you well. In the future, if I can assist you regarding a federal matter, please do not hesitate to contact my Portland office.

Sincerely,



RON WYDEN
United States Senator

FILE

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232-4169
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
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SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST, SE
SUITE 285
SALIDA, OR 97301
(503) 589-4565



Oregon

John A. Kitzhaber, MD, Governor

Department of Agriculture
635 Capitol St NE
Salem, OR 97301-2532



Sally O'Neil
Department of Justice
Civil Enforcement Division
1162 Court Street NE
Salem, OR 97301 4096

Re: FF2594-14

The Oregon Department of Agriculture (ODA) has investigated a complaint received from *Scaph* involving Armageddon Pest Management, ODA case number 140285. The application records provided by Armageddon Pest Management and product labels were reviewed and no apparent violations of ORS 634 were identified. The investigation has been closed.

A copy of the Departments case file may be obtained by submitting a written request for public records referencing ODA case number 140285.

If you have any questions please feel free to contact me.

Isaak Stapleton
Pesticide Investigator
Oregon Dept. of Agriculture
635 Capitol ST NE
Salem, OR 97301
istapleton@oda.state.or.us
503-986-4650

Cc: Ann Helm, David Robinson

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.



FEDERAL INSURANCE COMPANY
PO BOX 42065
Phoenix, AZ 85080-2065

Check Number: 9174118
Date: 06/05/2014

Mellon Bank N.A.
PITTSBURGH, PA

CHUBB

Claim Ref #: 047514017400

PAY TO THE ORDER OF Ann Helm

THE SUM OF Seventeen Thousand Seven Hundred Thirty Seven Dollars And 00/100

\$**17,737.00

IN SETTLEMENT OF (F)contents ruined : due to overspray of pesticides in home : ded 1000.00 applies

ANN HELM

PO BOX 760

Lafayette, OR 97127-0760

AUTHORIZED SIGNATURE

⑈0009174118⑈ ⑆043301601⑆ 006⑈6544⑈



CHUBB GROUP OF INSURANCE COMPANIES
PO BOX 42065
Phoenix, AZ 85080-2065

Payment Summary

Claim Ref #: *exempt*
Policy: *exempt*
Occurrence: *exempt*
Date of Loss: 02/01/2014
SSN/TIN#: *exempt*
Payee:

02/01/2014

Page: 1 of 1
Check Number: 9174118
Print Date: 06/05/2014
Issue Date: 06/05/2014

Insured: ANN HELM

DATE	CLAIMANT	DESCRIPTION	AMOUNT
	<i>exempt</i>	Contents	17,037.00
	<i>exempt</i>	Fair Rental Value	700.00

ATTACHMENTS

Comments: Survey attached

CHECK TOTAL:

17,737.00



Exempt

8/26/14

Dear Senator Wyden-

I appreciate your hard work!

You were a guest speaker for a nursing class I taught in 1979 at OHSU. You

were active with the "Gray Panthers" and

dental care. You knew a colleague of

mine, Exempt who is a nurse

I am writing for your help.

I rent a carriage house to students

and rented for 3 years to a wonderful

young lady from George Fox. She had

the place fumigated for her cat.

I assumed no problem. She later

moved out and I discovered all the

30 plus hand made white organdy

curtains were brown! Also the

new Beautyrest mattress was stained

brown! Eventually I figured the

pesticide company sprayed everything.

The company would not fess up.

They would not even divulge the chemicals used. They did provide this information to the Dept. of Agriculture.

My insurance company paid me for the extensive damage. They are going after the pesticide company.

In the meantime I asked the Dept. of Agriculture to pursue this and protect other customers. There is a \$5,000 fine for spraying mattresses.

The Dept. wrote me last week they "investigated" and found nothing wrong! Incredible.

They did not even telephone me. Unbelievable.

Help, please.

Exempt 6

Am enclosing samples of fabric (new) and those treated with pesticide.

I think the man is lying about what he used and how he sprayed.

Why am I paying tax dollars to the Dept. of Agriculture when they do absolutely nothing?

Exempt

retired Air force



Oregon

John A. Kitzhaber, MD, Governor

Department of Agriculture

635 Capitol St NE

Salem, OR 97301-2532



Sally O'Neil
Department of Justice
Civil Enforcement Division
1162 Court Street NE
Salem, OR 97301 4096

Re: FF2594-14

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A copy of the Departments case file may be obtained by submitting a written request for public records referencing ODA case number 140285.

If you have any questions please feel free to contact me.

Isaak Stapleton
Pesticide Investigator
Oregon Dept. of Agriculture
635 Capitol ST NE
Salem, OR 97301
istapleton@oda.state.or.us
503-986-4650

Cc: Ann Helm, David Robinson





THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.



FEDERAL INSURANCE COMPANY
PO BOX 42065
Phoenix, AZ 85080-2065

Check Number: 9174118
Date: 06/05/2014

60160
433

Mellon Bank N.A.
PITTSBURGH, PA

Claim Ref #: 047514017400

PAY TO THE ORDER OF: Ann Helm

ORDER OF

THE SUM OF: Seventeen Thousand Seven Hundred Thirty Seven Dollars And 00/100

\$***17,737.00

IN SETTLEMENT OF: (F) contents ruined : due to overspay of pesticides in home : ded 1000.00 applies

ANN HELM

PO BOX 760

Lafayette, OR 97127-0760

AUTHORIZED SIGNATURE

⑈0009174118⑈ ⑆043301601⑆ 006⑈6544⑈



CHUBB GROUP OF INSURANCE COMPANIES
PO BOX 42065
Phoenix, AZ 85080-2065

Payment Summary

Claim Ref #:

Policy:

Occurrence:

000003

Date of Loss:

SSN#/TIN#:

Payee:

Insured:

Page:

1 of 1

Check Number:

9174118

Print Date:

06/05/2014

Issue Date:

06/05/2014

DATE

CLAIMANT

DESCRIPTION

AMOUNT

Contents

17,037.00

Fair Rental Value

700.00

ATTACHMENTS

Comments: Survey attached

CHECK TOTAL:

17,737.00

Exempt 6

8/26/14

Dear Senator Wyden-

COPY

I appreciate your hard work!

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~~Exempt~~

-3-

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(new) and those treated with
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the Dept. of Agriculture when they
do absolutely nothing?

Exempt
Retired Air Force

UNITED STATES SENATE

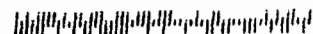
WASHINGTON, DC 20510-3703

OFFICIAL BUSINESS

Ron Wyden
U.S.S.

2015 JAN 28 A 9 10

Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, D.C. 20250





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE REGIONAL
ADMINISTRATOR

MAR 12 2015

The Honorable Ron Wyden
United States Senator
911 Northeast 11th Avenue, Suite 630
Portland, Oregon 97232

Dear Senator Wyden:

Thank you for contacting me regarding *EXEMPT* concern over pesticide misuse in her rental home and the Oregon Department of Agriculture's investigation. We have reviewed the ODA's case files regarding the complaint. From our review, it appears the ODA conducted as thorough an investigation as possible considering the application took place over seven months before they were contacted. The ODA contacted and collected information from both *EXEMPT* and the applicator, Armageddon Pest Management LLC, during their investigation of the matter. The ODA reviewed the pesticide application records, applicator licensing records, and the labels of the products that were applied in *EXEMPT* home. Based on the evidence collected, the ODA concluded there were no apparent violations.

As you know, according to federal law, it is unlawful to use any registered pesticide in a manner inconsistent with its labeling. The products used in *EXEMPT* home were registered federally and labeled for use in the home. After reviewing the case and speaking with the investigator, we agree with the ODA's findings.

It is unfortunate the pest control company was not forthcoming with the pesticide product information. In the future, if any of your constituents have pesticide misuse concerns they should contact the ODA immediately to initiate an investigation. In matters of pesticide misuse, sampling for pesticides residues must be done relatively soon after the pesticide application to avoid product degradation. Also in the future, if any of your constituents have concerns regarding indoor pesticide contamination, they can call the National Pesticide Information Center (NPIC) at 1-800-858-7378. NPIC is an EPA-funded hotline that provides objective, science-based information on pesticides to the general public.

Thank you for bringing this concern to my attention. Additional pesticide questions about this particular incident or the federal rules regarding pesticide misuse can also be directed to Kelly McFadden, Pesticides and Toxics Unit Manager, at (206) 553-1679 or mcfadden.kelly@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran".

Dennis J. McLerran
Regional Administrator

RON WYDEN
 OREGON

CHAIRMAN OF COMMITTEE ON
 FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
 WASHINGTON, DC 20510
 (202) 224-5244

United States Senate

WASHINGTON, DC 20510-3703

COMMITTEES:

COMMITTEE ON FINANCE
 COMMITTEE ON BUDGET
 COMMITTEE ON ENERGY & NATURAL RESOURCES
 SELECT COMMITTEE ON INTELLIGENCE
 JOINT COMMITTEE ON TAXATION

January 30, 2015

The Honorable Gina McCarthy
 Administrator
 Environmental Protection Agency
 1200 Pennsylvania Avenue, NW
 Washington, DC 20004

Dear Administrator McCarthy,

I understand that the Environmental Protection Agency (EPA) issued a Request for Proposal (RFP) to solicit bids for Mission Support for Clean Air Markets and Related Environmental Programs, solicitation number SOL-DC-14-00030. It has come to my attention that the solicitation, which has been revised repeatedly, will go out next week and I write to encourage the EPA to give small businesses thorough consideration in the bidding process.

Businesses that have previously been awarded the EPA's Clean Air Markets Division (CAMD) contract were responsible for collecting pollutant deposit data and communicating the value of market based programs. To date, I understand that small businesses have not played a sustained or meaningful role in the program.

In 2014, the EPA stated its goal that 42 percent of contract obligations go to small businesses. To help you achieve that, it would be useful to consider the following questions regarding the RFP and EPA's small business goals:

- 1) How does the EPA intend to ensure that it can meet its small business contracting goal and guarantee that small businesses receive a fair share of work generally, and from this solicitation specifically?
- 2) Under the previous contract award, announced April 13, 2009, how much work did small businesses contribute and get compensated for? Please quantify the amount of work performed by small businesses and their level of compensation. Were any of the contracts awarded to small businesses?
- 3) What steps is the EPA taking to ensure that the solicitation process is not overly burdensome to small businesses, allowing them to compete fairly for contracts? Please explain EPA's (CAMD) rationale in completing multiple tasks by both small and large businesses and whether this provides a fair competitive solicitation for small businesses.
- 4) The EPA's current RFP was originally scheduled for introduction in January 2014 but has experienced multiple delays and is now scheduled for February 4, 2015. Given the EPA's long history of contracting this program, why was it necessary to revise the contract solicitation several times and delay implementation for over a year?

911 NE 11TH AVENUE
 SUITE 630
 PORTLAND, OR 97232
 (503) 326-7525

405 EAST 8TH AVE
 SUITE 2020
 EUGENE, OR 97401
 (541) 431-9229

SAC ANNEX BUILDING
 105 FIRST
 SUITE 201
 LA GRANDE, OR 97850
 (541) 962-7691

U.S. COURTHOUSE
 310 WEST 6TH ST
 ROOM 118
 MEDFORD, OR 97501
 (541) 858-5122

THE JAMISON BUILDING
 131 NW HAWTHORNE AVE
 SUITE 107
 BEND, OR 97701
 (541) 330-9142

707 13TH ST. SE
 SUITE 285
 SALLM, OR 97301
 (503) 589-4559


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- 5) During the RFP delay, has the current contractor been doing all of the work through extensions since the contract expired?

Thank you in advance for your prompt and thorough response and I look forward to working with you to ensure that small businesses are fairly considered in the bidding process. Should you have any questions regarding this request, please contact Erin Fauerbach of my office at (202) 224-5244.

Sincerely,



Ron Wyden
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 14 2015

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter dated January 30, 2015, to the U.S. Environmental Protection Agency (EPA) regarding small business participation under EPA solicitation SOL-DC-14-00030.

The following information is provided in response to your questions regarding the above solicitation:

1) How does the EPA intend to ensure that it can meet its small business contracting goal and guarantee that small businesses receive a fair share of work generally, and from this solicitation specifically?

Historically, the EPA consistently meets or exceeds its annual socio-economic contracting goals. As a result, the EPA consistently earns a score of "A" on the Small Business Administration's Procurement Scorecard. EPA's socio-economic success is the result of robust internal controls which ensure compliance with the requirements of the Small Business Act and Federal Acquisition Regulation, including assessing all acquisitions greater than \$150,000 to identify opportunities for small business participation. The solicitation in question was subject to such an assessment.

2) Under the previous contract award, announced April 2009, how much work did small business contribute and get compensated for? Please quantify the amount of work performed by small business and their level of compensation. Were any of the contracts awarded to small businesses?

The previous contracts for this requirement were awarded to large business SRA International under contract EP-W-09-021, and small business Sanford Cohen and Associates under contract EP-W-09-020. Under EP-W-09-021, SRA invoiced \$14,391,224, which included \$991,458 in small business subcontract dollars. Under contract EP-W-09-020, SC&A invoiced \$2,442,539 in small business contract dollars. Accordingly, small businesses performance totaled \$3,433,997 under the previous contract awards for the Clean Air Markets requirement.

3) What steps is the EPA taking to ensure that the solicitation process is not overly burdensome to small businesses, allowing them to compete fairly for contracts? Please explain the EPA's (CAMD) rationale in completing multiple tasks by both large and small businesses and whether this provides a fair competitive solicitation for small businesses.

In support of the Clean Air Markets requirement, the EPA conducted market research which identified several opportunities for small business participation. The EPA used that information and partially set-aside those requirements under SOL-DC-14-0030, which was posted on June 13, 2014. As a result of questions received from prospective offerors, the EPA determined the solicitation needed to be amended to clarify the socio-economic set-aside requirements. For that reason, the EPA is amending the solicitation to better define those opportunities for potential small business participation. In the revised Clean Air Markets solicitation, certain tasks will be reserved for performance by small businesses only. The remaining tasks will be procured on an unrestricted basis under which small business will also be eligible to compete.

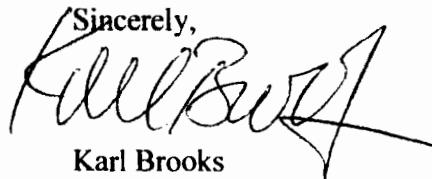
4) The EPA's current RFP was originally scheduled for introduction in January 2014 but has experienced multiple delays and is now scheduled for February 4, 2015. Given the EPA's long history of contracting this program, why was it necessary to revise the contract solicitation several times and delay implementation for over a year?

The reason for the delay is the EPA is amending solicitation SOL-DC-14-0030 in order to better define opportunities for small business participation. EPA was not aware a revision was necessary until potential offeror questions were submitted after the solicitation was posted.

5) During the RFP delay, has the current contractor been doing all of the work through extensions since the contract expired?

Yes, since the work performed under the Clean Air Markets Program is mission critical, six-month bridge contracts were awarded on October 1, 2014, to ensure continued program support. These short-term contracts also contain six one-month options to both ensure continuation of work through follow-on contract award(s), and enable timely transition to the follow-on vendor(s).

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at Moody.Christina@epa.gov or (202) 564-0260.

Sincerely,

Karl Brooks
Deputy Assistant Administrator



A facsimile transmission from the office of

Congressman Charles W. Dent
61 North 3rd Street
Hamburg, PA 19526
Phone: 610-562-4281/ Fax: 610-562-4352

Date: 19 February 2015
To: EPA Congressional and Intergovernmental Relations
Fax #: 202-501-1519
From: Jason Lane

1 Pages to follow this cover letter

Comments: Re: *Exempt b.* - contamination remediation programs - please review and respond.

Lane, Jason

From: *exempt b*
Sent: Thursday, February 19, 2015 3:06 PM
To: Lane, Jason
Subject: Contaminated Soil Issue

Jason,

I am in the process of selling my house. I have a buried 1,500 gallon oil tank which has been removed at a cost of \$4,200. The soil was tested and was found to be contaminated. I am told that it will cost another \$5,000 to remove the contaminated soil. I am looking for any type of Governmental Program that might assist financially or otherwise in helping me with this problem. I know that the state has such an assistance program and I plan to participate in that program but I am looking for any other programs that may help.

The property is residential and is located in Muhlenberg Township.

Should you have any questions please feel free to call me at *exempt b*

exempt b

Thank you



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 16 2015

The Honorable Charles W. Dent
Member, U. S. House of Representatives
61 North 3rd Street
Hamburg, Pennsylvania 19526

Dear Representative Dent:

Thank you for your electronic correspondence on February 19, 2015 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, *element* concerning the existence of a program to assist with costs of removing soils contaminated by a leaking underground home heating oil tank on his property.

The EPA does not administer any programs that provide financial assistance to homeowners to clean up leaks from heating oil tanks. However, the Pennsylvania Department of Environmental Protection (PADEP) operates an Underground Heating Oil Tank Cleanup Reimbursement Program. For additional information, please refer your constituent to Diana Brems, PADEP, at 717-783-9562 or dbrems@state.pa.us.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Kinshasa Brown-Perry, EPA's Pennsylvania Liaison, at 215-814-5404.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Garvin".

Shawn M. Garvin
Regional Administrator

cc: Diana Brems, PADEP



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Congress of the United States

Washington, DC 20510

February 5, 2015

Anne Arnold
Manager, Air Quality Planning Unit
U.S. Environmental Protection Agency
EPA New England Regional Office
Office of Ecosystem Protection, Air Quality Planning Unit
5 Post Office Square - Suite 100
Boston, MA 02109

RE: EPA-R01-OAR-2013-0786

Dear Ms. Arnold:

As you know, in 1990, the Commonwealth of Massachusetts entered into a binding agreement that would expand and modernize Greater Boston's transit system following the completion of the Central Artery/Tunnel project. It is our understanding that the intention of the agreement was to provide alternative modes of transportation for the Boston area in order to alleviate congestion on local roadways and to improve the air-quality of surrounding communities by expanding an environmentally friendly transit system.

One of the commitments made 25 years ago included the extension of the Blue Line (the only transit line serving residents of East Boston, Revere and Winthrop as well as the main transit line providing access to Logan International Airport) from Bowdoin Station to the Charles/MGH Red Line station via a new subway, allowing direct transfer between these lines. These are the only major subway lines on the Massachusetts Bay Transportation Authority (MBTA) system that do not intersect.


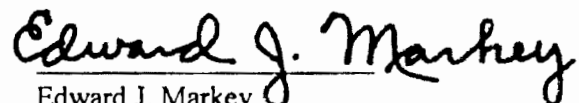
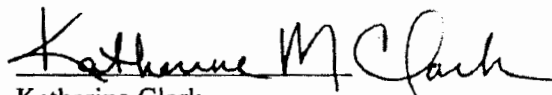
This project would allow for improved access to Massachusetts General Hospital and points north and south of downtown Boston for residents in the communities mentioned above. It would also improve access to Logan Airport for those who utilize the Red Line in Cambridge and Somerville as well as points south of downtown Boston. This change would be a significant transportation improvement for patients, students, workers, residents and tourists alike. It will also result in a substantial environmental benefit due to a reduction in emissions triggered by a drop in automobile traffic and congestion.

It has come to our attention that the Environmental Protection Agency (EPA) has issued a proposed rule that would delete the existing Massachusetts State Improvement Plan (SIP)

requirement to design the Red Line/Blue Line Connector. This move would, in essence, free the Massachusetts Department of Transportation (MassDOT) from its commitment to move forward on the project, thus jeopardizing the prospects of the Red Line/Blue Line Connector ever becoming a reality.

It is our strong hope that EPA reconsiders this proposed rule and that this obligation will be followed through to completion. Thank you in advance for your consideration.

Sincerely,


Elizabeth Warren
United States Senator
Edward J. Markey
United States Senator
Katherine Clark
Member of Congress

Flores, Priscilla (Feliciano)

Subject: FW: response to controlled correspondence R1-15-000-5096

From: O'Neil, Kelsey
Sent: Thursday, February 19, 2015 8:59 AM
To: Conroy, David; Arnold, Anne
Cc: Gutro, Doug
Subject: RE: EPA Briefing for Congressional Staff

Hi Dave,

Thank you for putting this together, I will send it over to her this morning.

Thanks,
Kelsey

Kelsey O'Neil
Congressional Liaison, Community Involvement Coordinator
oneil.kelsey@epa.gov
Office: 617-918-1003
Cell: 857-998-0226

From: Conroy, David
Sent: Wednesday, February 18, 2015 5:39 PM
To: O'Neil, Kelsey; Arnold, Anne
Cc: Gutro, Doug
Subject: RE: EPA Briefing for Congressional Staff

Kelsey –

As we discussed, here is a response you could send back to Kayla Scire:

Kayla ,

Thank you for sending us the final letter and your interest in our proposed rulemaking. We will be addressing all of the comments received, including those contained in this letter, in the final rulemaking notice. This notice will be published in the Federal Register and I will send you a note alerting you to its publication. We estimate the timing of that notice to be in the next couple of months.

Also, for clarification, it should be noted that EPA's proposal is to approve a request made by the Massachusetts Department of Environmental Protection (MA DEP) to remove the design of the Red Line/Blue Line Connector from the Massachusetts air quality State Implementation Plan (SIP). Specifically, EPA is proposing to approve a revised regulation, 310 CMR 7.36 "Transit Systems Improvement Regulation," that has been adopted by the MA DEP. Under the Clean Air

Act, EPA's role in reviewing state SIP submissions is to approve state choices, provided that they meet the criteria of the Clean Air Act.

Thanks again for your interest. If you have any further questions, I could set up a call for you to speak with our air quality planning staff.

David Conroy
Air Programs Branch
U.S. Environmental Protection Agency, Region 1

Office: 617-918-1661
iPhone: 857-829-8239
Fax: 617-918-0661

From: Scire, Kayla (Markey) [mailto:Kayla_Scire@markey.senate.gov]
Sent: Thursday, February 05, 2015 1:33 PM
To: O'Neil, Kelsey
Subject: RE: EPA Briefing for Congressional Staff

Thank you! This info is helpful. I have attached the final letter.

Thanks again,
Kayla

Kayla Scire
U.S. Senator Edward J. Markey
JFK Federal Building
15 New Sudbury Street
Boston, MA 02203
p. 617-565-8519
f. 617-248-3870
kayla_scire@markey.senate.gov

From: O'Neil, Kelsey [<mailto:Oneil.Kelsey@epa.gov>]
Sent: Thursday, February 05, 2015 1:19 PM
To: Scire, Kayla (Markey)
Subject: RE: EPA Briefing for Congressional Staff

Hi Kayla,

Glad that the briefing date will work for you! Also, thank you for the agenda suggestion and heads up about the SIP letter. I imagine we will certainly include storm water to some degree, and there may be benefit to setting up a time before or after to focus on MS4 with the MA offices.

The SIP issue has also come up in the past couple of months from Congressman Capuano's office in particular, and also from Congresswoman Clark's office. In the event you want to look at additional information, below is an email I sent to Jon Lenicheck on the comments.

Best,

Kelsey

Just to follow-up on our conversation earlier this week, below is a list of the individuals and parties who commented on the proposal. Many of these comments are already in the docket at www.regulations.gov, and all will be in by next week. The docket number is: R01-OAR-2013-0786. If you have any trouble finding them please let me know. We will certainly keep you looped in on the timeline, but right now we anticipate at least a couple of months to go through the comments and finalize.

40 total comment letters

- CLF
- Congressman Michael Capuano
- A Better City
- Massport
- Frederick Salvucci (former Secretary of Massachusetts Department of Transportation)
- Edward W. Deveau, Candidate for State Representative, 1st Suffolk District
- Jeffries Point Neighborhood Association (2 letters)
- Concerned residents (32 letters)

Kelsey O'Neil
Congressional Liaison, Community Involvement Coordinator
oneil.kelsey@epa.gov
Office: 617-918-1003
Cell: 857-998-0226

From: Scire, Kayla (Markey) [mailto:Kayla_Scire@markey.senate.gov]
Sent: Thursday, February 05, 2015 12:00 PM
To: O'Neil, Kelsey
Subject: RE: EPA Briefing for Congressional Staff

Hi Kelsey,

Thanks for your message regarding the briefing. That date works for me & I will be there. If possible, I know one issue that I would be interested in learning more about is sewer water taxes. Thanks again!

I also wanted to flag a letter that our office will be sending to the EPA's Air Quality Planning Unit. The letter is regarding the proposed rule that would delete the existing Massachusetts State Improvement Plan (SIP) requirement to design the Red Line/Blue Line Connector. I'm happy to send over a final copy when it is finished. The letter will be signed by Senator Markey, Senator Warren and Representative Clark.

Please let me know if you have any questions!

Thank you and all the best,

Kayla

Kayla Scire
U.S. Senator Edward J. Markey
JFK Federal Building
15 New Sudbury Street
Boston, MA 02203
p. 617-565-8519
f. 617-248-3870
kayla_scire@markey.senate.gov

From: O'Neil, Kelsey [<mailto:Oneil.Kelsey@epa.gov>]
Sent: Thursday, February 05, 2015 11:06 AM
To: O'Neil, Kelsey
Cc: Scire, Kayla (Markey); Machet, Kate (Markey); Houghton, Stephanie (Warren); Lau, Roger (Warren); Moore, Kate (Warren); elizabeth.quigley@mail.house.gov; Daniel Johnson; Polanowicz, Kathleen; natalie.blais@mail.house.gov; june.black@mail.house.gov; Clemons, Nick; jane.adams@mail.house.gov; Russell Pandres; Blackman, Wade; Kaufman, Natalie; anthony.moreschi@mail.house.gov; Kelsey Perkins; kate.chang@mail.house.gov; Lenicheck, Jon; Shea, Katherine; Bob Fowkes; Morse, Anthony; ines.drolet@mail.house.gov
Subject: EPA Briefing for Congressional Staff

Hello,

EPA will be holding a briefing for Congressional staff on March 26, 2015 in our Boston Office, tentatively from 10am – 3pm. The briefing will focus on hot issues in New England and will include representatives from all six New England states.

The ultimate goal of gathering together is for your benefit, therefore we very much value your input on agenda topics, we would also love feedback or suggestions on the format of the day to make it as efficient and beneficial as possible. We know it is not easy for you to take the majority of a day away from the office. If there are specific topics/issues you would like to hear more about, or if you have suggestions/requests on the formatting please send let me know by February 23, 2015. In the past, we have set up smaller meetings with appropriate staff on district or state specific issues, before or after the sessions or during lunch. I am more than happy to set up those smaller meetings at your convenience so please let me know if you would like to schedule something.

If there are overwhelming conflicts on this day we can look to reschedule, so please RSVP. I will send out a formal agenda well in advance of the March 26th meeting.

Best,

Kelsey

Kelsey O'Neil
Congressional Liaison, Community Involvement Coordinator
oneil.kelsey@epa.gov
Office: 617-918-1003
Cell: 857-998-0226

AL-15-000-5926

ELIZABETH WARREN
MASSACHUSETTS

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
HEALTH, EDUCATION, LABOR, AND PENSIONS
SPECIAL COMMITTEE ON AGING

United States Senate

February 11, 2015

UNITED STATES SENATE
WASHINGTON, DC 20510-2105
P: 202-224-4543

2400 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
P: 617-665-3170

1500 MAIN STREET
SUITE 406
SPRINGFIELD, MA 01103
P: 413-788-2690

www.warren.senate.gov

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

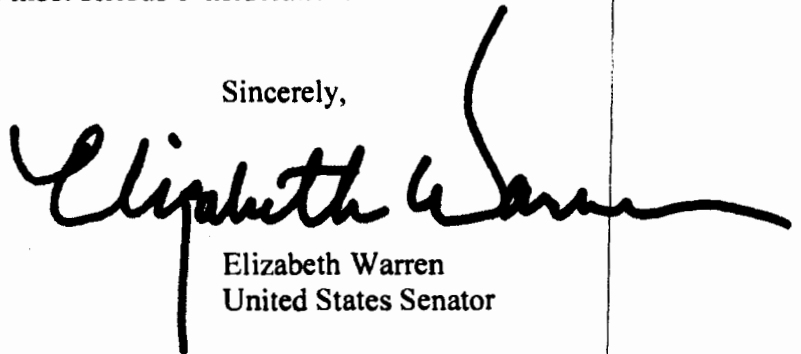
I am writing in support of the City of Everett's application for a \$200,000 Brownfield grant through the United States Environmental Protection Agency. The City is planning to use these funds to remediate a number of former industrial properties.

This grant will help the City of Everett turn the contaminated sites into thriving commercial hubs that will improve the quality of life for existing residents in the area and allow for exciting new economic and residential development. As a result, it will provide increased tax revenue for the City. With so much of the city's land tied up in defunct property, the rehabilitation of these sites will provide an invaluable stimulus to Everett's economy, and reinvigorate business in the area that will be essential to fostering positive growth the City.

I strongly support Everett's effort to remediate these industrial properties, and I appreciate the Environmental Protection Agency giving this grant application a thorough review.

Thank you for giving this application your most serious consideration.

Sincerely,



Elizabeth Warren
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 2 2015

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter of February 11, 2015, to the U.S. Environmental Protection Agency (EPA), supporting the brownfields grant proposal from the city of Everett, Massachusetts. I appreciate your interest in the Brownfields Program and your support of this proposal.

As you know, the Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 600 grant proposals. From these proposals, the EPA announced the selection of approximately 250 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment and Cleanup Grants (October 2014)*, posted on our brownfields website at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. Be assured that the grant proposal submitted by the city of Everett will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at snyder.raquel@epa.gov, or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

Congress of the United States
Washington, DC 20515

February 3, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

As Members of Congress from the State of Michigan, we would like to draw your attention to three issues that exemplify those facing the state's energy sector under the U.S. Environmental Protection Agency's (EPA) Clean Power Plan (CPP) proposed rule for regulating greenhouse gas (GHG) emissions from existing power plants, per Section 111(d) of the Clean Air Act (CAA).

The State of Michigan has convened a coalition of state agencies and major utilities (Michigan coalition) to develop a CPP compliance plan. Three issues have emerged from these meetings that we request the EPA consider as a final rule is developed: (1) the inclusion of energy storage technology in the compliance formula; (2) providing credit for early action; and (3) providing a safety valve for extraordinary circumstances. While not exhaustive, these three issues were consistently identified by the impacted entities as critical for Michigan.

1. Energy Storage Technology

Michigan is home to one of the world's foremost energy storage marvels – the Ludington Pumped Storage Power Plant, a 1,872 megawatt hydroelectric plant and reservoir, adjacent to a 100MW wind farm. Similar to a giant electric battery, Ludington can provide energy at a moment's notice, which is critical for grid stability and reliability. When electric demand is high, Ludington can provide enough electricity to serve 1.4 million Michigan residents. The plant is also cost effective because it eliminates the need to purchase energy from the spot market when customer demand exceeds the capacity of base-load plants, such as during a heat wave and a polar vortex. Additionally, this helps Michigan avoid the use of oil-fueled facilities for peaking. Ludington is a key component of Michigan's reliable energy infrastructure and grid stability because of its great electrical output at a relatively low cost.

As currently written, it is not clear if EPA's proposed CPP compliance formula includes clean energy storage. In fact, the current proposal may penalize states that have prudently constructed energy storage technology. The emissions and megawatt hours from plants used to charge the storage system are included in the reduction target formula, but the megawatt hours

discharged from the storage system are not. Thus, Michigan's emissions intensity could actually increase due to its optimization of grid resources with energy storage.

2. *Credit for Early Action*

As currently written, the CPP is proposed to begin in 2020. The Michigan coalition is concerned that credit may not be given to any actions taken before 2020 despite the State's development of new renewable energy resources, maintaining and enhancing their energy efficiency programs, and retiring older fossil fueled generating units during this time frame. We request that the EPA clarify what credit will be given to any activities that decrease emissions intensity prior to 2020.

3. *A Safety Valve for Extraordinary Circumstances*

Many prior climate policy proposals have included "safety valve" clauses that allow for the suspension of enforcement activities or the resetting of baselines or targets during extraordinary circumstances related to the economy, public safety, electric reliability, or national security. The CPP currently is as broad and complex as many legislative proposals that have included a safety valve. Thus, the Michigan coalition believes that a similar safety valve provision in the rulemaking may be justified.

We strongly believe that clarification and further guidance is needed to assist the Michigan coalition as it develops its State compliance plan. We ask that you work with the state of Michigan to resolve these issues.

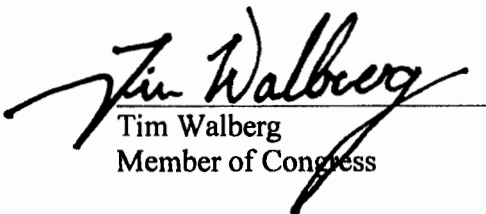
Sincerely,



Bill Huizenga
Member of Congress



Dan Kildee
Member of Congress



Tim Walberg
Member of Congress



Dan Benishek M.D.
Member of Congress

Candice S. Miller

Candice Miller
Member of Congress

Justin Amash

Justin Amash
Member of Congress

John Moolenaar

John Moolenaar
Member of Congress

David Trott

David Trott
Member of Congress

Mike Bishop

Mike Bishop
Member of Congress

AL-15-000-4974

MARCO RUBIO
FLORIDA

United States Senate
WASHINGTON, DC 20510-0908

COMMITTEES
COMMERCE, SCIENCE AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

January 16, 2015

Gina McCarthy
1200 Pennsylvania Avenue Northwest
Washington, DC 20460-0001

Dear Gina,

Thank you for contacting me in regard to the Clean Water Act. I would like to take this opportunity to address this important issue.

As you may know, the Protecting Water and Property Rights Act of 2014 (S. 2496), was introduced by Senator John Barrasso (R-WY) on June 19, 2014 and was referred to the Committee on Environment and Public Works. This legislation puts common-sense boundaries on the Environmental Protection Agency (EPA) when enforcing the Clean Water Act. The purpose of the Clean Water Act, originally passed in 1972, was to protect sources of drinking water and maintain the quality of our navigable waters through a cooperative relationship between the EPA and the appropriate state entities. Through recent actions, the EPA has attempted to go beyond the intentions of the original legislation by releasing a proposed rule that would inappropriately expand their federal jurisdiction without Congressional approval.

S. 2496 protects Americans from unnecessary and harmful regulations which could bankrupt businesses and discourage job growth throughout the country. For these reasons, I became an original co-sponsor of this bill. Protecting our water through responsible regulation is important, but environmental legislation should not be used to usurp the role of the states. Although I am not a member of the Committee on Environment and Public Works, please know I will keep your comments in mind should future legislation related to the Clean Water Act come before the full Senate.

It is an honor to serve the people of Florida. I appreciate the opportunity to discuss this important topic.

Sincerely,



Marco Rubio
United States Senator

AL-15-000-5165



Office of U.S. Senator Marco Rubio

201 S. Orange Ave., Suite 350

Orlando, FL 32801

Phone 407-254-2573

Fax 407-423-0941

To: Laura Vaught
Associate Administrator for
Congressional and Intergovernmental
Relations
Environmental Protection Agency

From: David Huff

Pages: 2 (Including cover)

Date: 2/4/2015

Fax: 202-501-1519

Re: *Exempt*

Comments:

I would greatly appreciate it if you could review this matter and provide a response. Please address your response to Senator Marco Rubio c/o David Huff at 201 S. Orange Ave., Suite 350, Orlando, FL 32801.

Best Regards,

David Huff
Constituent Services Representative
David.Huff@rubio.senate.gov
(407) 318-2728

01/27/2015 12:38 FAX



Office of U.S. Senator Marco Rubio

Privacy Act Consent Form

In accordance with the provisions of The Privacy Act of 1974 (Public Law 93-579), your written consent is required so that we may contact a federal agency on your behalf. Since e-mails do not contain a valid signature, they do not fulfill the requirements of the law. If you are inquiring on behalf of another person that is 18 or older, it is necessary that he or she sign this document. All information must be written in English.

Title: (select one) ☒ Mr. ☐ Ms. ☐ Mrs. ☐ Mr. & Mrs. ☐ Rev. ☐ Doctor ☐ Other: _____

Name: Exempt 6 (First Name) Exempt 6 (Middle Name) Exempt 6 (Last Name)

Address: Exempt 6 City Tamarac State: FL

Zip code: 33321 Phone: Exempt 6 Fax: Exempt 6 Email: Exempt 6

E-mail Address: Exempt 6 Date of Birth: Exempt 6

If you have contacted another congressional office to assist you, please list the office: Sen. Nelson

Federal Agency Issue: Need action of EPA on endangered specie
(Please complete the sections that apply to your case on page 2)

BRIEFLY STATE YOUR PROBLEM AND WHAT OUTCOME YOU WOULD LIKE FROM THIS INQUIRY.

The local Tamarac govt is intent upon building a Charter School on land that is the habitat for an endangered specie. We are a community of 9000 seniors living adjacent to the land (a community park) who are opposed to the location selected. We are parents and grandparents not opposed to the school, only the site selected. Please help stop the school being built on this site.

Signature: Exempt 6 Date: 1/27/15

I have discussed my concerns with Senator Marco Rubio and/or his representative(s), and request that any relevant information that is required to assist in responding to my inquiry may be furnished upon request.

Please return the completed form:

By mail:	U.S. Senator Marco Rubio 201 S. Orange Avenue, Suite 350 Orlando, Florida 32801 (407) 423-0941
By fax:	(407) 423-0941
By email:	casework@rubio.senate.gov

If you have any questions, please call the Orlando Regional Office at (407) 254-2573 or (866) 630-7106, toll-free in Florida.

Name: Exempt 6 Exempt 6
(First Name) (Middle Name) (Last Name)

FOR INTERNAL USE ONLY:

WORKFLOW #

Social Security Number: Exempt 6

COMPLETE THE SECTION THAT APPLIES TO YOUR CASE

CHILD SUPPORT (Note: By law, if both parents reside in Florida, your inquiry will be referred to your state legislators.)

Child Support Case Number: _____

Name of Custodial Parent: _____ Date of Birth: _____ SSN: _____

Name of Non-custodial Parent: _____ Date of Birth: _____ SSN: _____

Name of Child(ren): _____ Date of Birth: _____ SSN: _____

IMMIGRATION

Alien Number: _____ Date of Birth: _____ Place of Birth: _____

Type of Application Filed: _____ Beneficiary Name: _____
(Ex: N-400, I 130, I-765)

Receipt Number: _____

MEDICARE/SOCIAL SECURITY

Type of Claim Filed: _____ SSN: _____ Date Filed: _____

Current Level of Appeals: _____ Medicare Provider Number: _____

Medicare Supplier Number: _____ Name of Business: _____

MILITARY/VETERAN (Note: Complete this section only if you are seeking assistance with a military/VA issue. If you have a Tricare problem, please contact our office to obtain a Tricare Authorization Form.)

Military Rank and Unit: _____ Duty Station: _____ VA Claim Number: _____

Home of Record Address: _____

Type of Claim: _____ VA Office Where Claim is Located: _____

MORTGAGE

Loan Servicer: _____ Loan Number: _____

OTHER Name of Federal Agency: Environmental Protection Agency

VISAS

Name of Applicant: _____ Passport Number: _____

Date of Birth: _____ Place of Birth: _____ Consulate: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 04 2015

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

Mr. Martin Kodis
Chief, Division of Congressional
and Legislative Affairs
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041

Dear Mr. Kodis:

The Environmental Protection Agency received correspondence dated February 4, 2015, from Senator Marco Rubio, forwarding a letter from his constituent, *exempt b*. In his letter to the Senator, *exempt b* expressed concerns about the Tomarec government intent on building a school on land that is the habitat for endangered species. Since this issue falls within your Department's purview, please respond directly to the Senator so he may in turn provide a response to *exempt b*.

Thank you and if you have any questions, please feel free to contact me at 202-564-7178 or your staff may contact Sven-Erik Kaiser at 202-566-2753 or email Kaiser.sven-erik@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nichole Distefano", is written over a horizontal line.

Nichole Distefano
Deputy Associate Administrator
for Congressional Affairs

Enclosure

cc: Senator Marco Rubio

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

March 13, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

On March 3, 2015, the Committee held a hearing entitled, “Challenges Facing OIRA in Ensuring Transparency and Effective Rulemaking.” During the hearing, several Members of the Committee expressed concerns regarding the Environmental Protection Agency’s and Army Corps of Engineers’ proposed “Waters of the United States” rule.¹ We are writing to request that you produce documents and information to address those concerns about the development of the proposed rule.

The designation of a proposed rule as “significant” or “major,” and certification that the rule will not have a “significant impact on a substantial number of small entities” under the Regulatory Flexibility Act (RFA)² (together, “classifications”) determines the way the proposed rule is handled at various stages of the regulatory process. Among other things, the classifications determine the type and level of analysis the rulemaking agency must undertake before promulgating the rule. The classification also triggers certain legal protections.

Significant or major rules are subject to a higher degree of scrutiny. The Congressional Review Act requires agencies to submit “major” rules to Congress and the Government Accountability Office (GAO), where they undergo a mandatory period of review before promulgation.³ Executive Order 12866 requires the Office of Information and Regulatory Affairs (OIRA) to review “significant” rules before they are promulgated.⁴ Additionally, the RFA requires agencies to analyze whether newly proposed regulations will significantly and

¹ Definition of Waters of the United States Under the Clean Water Act, 79 Fed. Reg. 22188 (Apr. 21, 2014).

² Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), Pub. L. 104-121, Title II, 100 Stat. 857 (1996) (codified in 5 U.S.C. § 601 et seq.) [hereinafter “small business impact”].

³ Congressional Review Act, 5 U.S.C. § 801.

⁴ Executive Order 12,866 § 6, “Regulatory Planning and Review” 58 Fed. Reg. 51,735 (Oct. 4, 1993).

adversely impact a substantial number of small entities, and, if so, conduct additional analysis and outreach before the proposed rule is finalized.⁵

The U.S. Small Business Administration Office of Advocacy (Advocacy) and various industry groups have raised concerns regarding the designations and certifications of federal rules and the process by which those classifications are made. In identifying a number of issues related to the lack of transparency in the federal rulemaking process,⁶ GAO found that in a majority of cases, agencies did not explain why a rule was or was not designated “significant” under Executive Order 12866.⁷ Advocacy has repeatedly found that agencies improperly certify rules as not meeting the threshold small business impact under the RFA.⁸ Other reports show inconsistencies in agency designations of “major” rules, or those OIRA finds have “resulted in or [are] likely to result in an annual effect on the economy of \$100 million or more.”⁹

On October 1, 2014, Advocacy determined that the proposed rule’s RFA certification was inappropriate, as the rule provides “ample evidence of a potentially significant economic impact,” and found that the agencies’ own economic analysis indicated that “small businesses will see a cost increase as a result of the [rule].”¹⁰ Further, the EPA and Corps used a different baseline to analyze small business impacts under the RFA than was used in the regulatory impact analysis required under Executive Order 12866,¹¹ which calls the legitimacy of the RFA certification into question.¹² The EPA and Corps designated the proposed rule as “not economically significant” and “non-major,” despite the fact that the agencies themselves estimate the rule will impose costs between \$133 and \$231 million, annually.¹³

During the March 3, 2015, hearing, Members of the Committee raised concerns regarding the proposed rule’s classifications and asked OIRA Administrator Howard Shelanski for information relating to how the EPA and Corps came to their development. Administrator Shelanski testified that those decisions were made by the rulemaking agencies and that OIRA merely reviews such decisions.

⁵ *Supra* fn 2.

⁶ “Federal Rulemaking: Agencies Included Key Elements of Cost-Benefit Analysis, but Explanations of Regulations’ Significance Could Be More Transparent,” GAO-14-714 (Sep. 11, 2014).

⁷ *Supra* fn 4 at § 3(f).

⁸ U.S. Small Bus. Admin. Office of Advocacy, “Regulatory Flexibility Act Annual Reports,” available at <https://www.sba.gov/advocacy/regulatory-flexibility-act-annual-reports>.

⁹ Congressional Review Act, 5 U.S.C. § 804(2). See also Sam Batkins, *Administration Compliance with the Congressional Review Act*, American Action Forum (Apr. 2, 2014) and Curtis W. Copeland, *Congressional Review Act: Many Recent Final Rules Were Not Submitted to GAO and Congress* (Jul. 15, 2014), commissioned by the Administrative Conference of the United States (ACUS).

¹⁰ Letter from Advocacy to the EPA and Army Corps, “Definition of ‘Waters of the United States’ Under the Clean Water Act,” (Oct. 1, 2014). See also “Waters Advocacy Coalition (WAC) Letter on Definition of Waters of the U.S.,” U.S. Chamber of Commerce (June 10, 2014) and Ryan Yonk, Ken Sim, Josh DeFriez, “Definition of ‘Waters of the United States’ Under the Clean Water Act,” Mercatus Center (Oct. 31, 2014).

¹¹ 3 C.F.R. 628 (1993), reprinted in 58 Fed. Reg. 51,735 (Oct. 4, 1993).

¹² *Id.* fn 4. See also U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, “Economic Analysis of Proposed Revised Definition of Waters of the United States” (2014) at 2. [hereinafter Economic Analysis]

¹³ *Id.* See also Economic Analysis at 33.

In light of Administrator Shelanski's testimony, we are requesting documents and information from the EPA that will help the Committee understand the development of the proposed rule. Please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on March 23, 2015:

1. All documents and communications between and among EPA and Corps employees and the White House, the Office of Management and Budget (OMB), and OIRA, referring or relating to the proposed rule, including, but not limited to:
 - a. designation of the proposed rule as major or non-major, significant or non-significant, economically significant or not economically significant, or other;
 - b. certification that there will be no significant adverse impact on the small business community under the RFA, including, but not limited to, documents and communications referring or relating to the factual basis underlying such certification; and
 - c. recommendations, advice, views, directions, suggestions, or preferences, sent or received by any EPA, Corps, White House, OMB, and/or OIRA employee, about such designations or certification.
2. All documents prepared pursuant to EPA policies on RFA compliance in the course of the proposed rule's development, including, but not limited to, internal documents relating to EPA's evaluation of potential businesses that may be affected by the rule and the economic burdens that the rule will impose on those businesses.
3. All documents prepared pursuant to Corps policies on RFA compliance in the course of the proposed rule's development, including, but not limited to, internal documents relating to Corps' evaluation of potential businesses that may be affected by the rule and the economic burdens that the rule will impose on those businesses.
4. All documents, including, but not limited to, internal guidance, referring or relating to the EPA's or Corps' process for making "significance" designations under E.O. 12866, making "major" designations under the CRA, or certifying a rule's small business impact under the RFA.

These requests should be interpreted to also include, but not be limited to, relevant information before the proposed rule's submission to OIRA for review and publication in the Federal Register. An attachment to this letter provides additional information about responding to the Committee's request. When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building.

The Honorable Gina McCarthy
March 13, 2015
Page 4

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Thank you for your cooperation in this matter. If you have any questions regarding this request, please contact Christina Aizcorbe of the Committee staff at (202) 225-5074.

Sincerely,



Jason Chaffetz
Chairman



Mark Meadows
Chairman
Subcommittee on Government
Operations



Jim Jordan
Chairman
Subcommittee on Health Care
Benefits and Administrative Rules



Cynthia M. Lummis
Chairman
Subcommittee on the Interior

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

The Honorable Gerald E. Connolly, Ranking Minority Member
Subcommittee on Government Operations

The Honorable Matt Cartwright, Ranking Minority Member
Subcommittee on Health Care, Benefits and Administrative Rules

The Honorable Brenda L. Lawrence, Ranking Minority Member
Subcommittee on the Interior

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 03 2015

OFFICE OF
WATER

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

Thank you for your March 13, 2015, letter regarding the proposed rule by the U.S. EPA and Army Corps of Engineers defining "waters of the United States." This rulemaking, when finalized, will make the process of identifying waters protected under the Clean Water Act easier to understand, more predictable, and consistent with the law and peer-reviewed science, while protecting the streams and wetlands that form the foundation of our nation's water resources.

The proposed rule is fully consistent with all applicable laws, including the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA).

SBREFA mandates application of certain analytic and procedural requirements as part of an agency's regulatory development process unless "the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."¹ EPA guidance on certifying a rule's small business impact is contained in its "Final Guidance for EPA Rulewriters: Regulatory Flexibility Act,"² which builds upon EPA's regulatory development guidance, "Guidance for EPA Staff on Developing Quality Actions."³ EPA also makes available to the public information on the Small Business Advocacy panel process and a list of panels.⁴

Under SBRFA, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of the initial regulatory flexibility analysis is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule

¹ 5 U.S.C. § 609(b).

² EPA's Action Development Process: Final Guidance for EPA Rulewriters: Regulatory Flexibility Act, Nov. 2006, available at <http://www.epa.gov/sbrefa/documents/Guidance-RegFlexAct.pdf>.

³ EPA's Action Development Process: Guidance for EPA Staff on Developing Quality Actions, March 2011, available at [http://yosemite.epa.gov/sab/sabproduct.nsf/5088B3878A900531E8525788E005EC8D8/\\$File/adp03-00-11.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/5088B3878A900531E8525788E005EC8D8/$File/adp03-00-11.pdf).

⁴ U.S. Environmental Protection Agency, Small Entities and Rulemaking: Frequent Questions, available at <http://www.epa.gov/sbrefa/faq.html>; U.S. Environmental Protection Agency: Small Business Advocacy Review (SBAR) Panels, available at <http://www.epa.gov/sbrefa/sbar-panels.html>.

on small entities.” 5 U.S.C. § 603. There is no question that the proposed rule would reduce the scope of jurisdiction compared to the rule it replaces. Because fewer waters will be subject to the CWA under the rule than under the existing regulations, this action will not affect small entities to a greater degree than the existing regulations. As a consequence, this action if promulgated will not have a significant adverse economic impact on a substantial number of small entities, and therefore no regulatory flexibility analysis is required.

The proposed rule does not subject any entities of any size to new regulatory requirements or specific regulatory burden. Rather, it is a jurisdictional rule that imposes no direct costs. *See Cement Kiln Recycling Coalition v. EPA*, 255 F.3d 855 (D.C. Cir. 2001). The rule is designed to clarify the statutory scope of “the waters of the United States, including the territorial seas” (33 U.S.C. 1362(7)), consistent with Supreme Court decisions. This question of CWA jurisdiction is informed by the tools of statutory construction and the geographical and hydrological factors identified in *Rapanos v. United States*, 547 U.S. 715 (2006), which are not factors readily informed by the RFA.

Nevertheless, the scope of the term “waters of the United States” is a question that has continued to generate substantial interest, particularly within the small business community, because permits must be obtained for discharges of pollutants into those waters. In light of this interest, the EPA and the Army Corps determined to seek wide input from representatives of small entities while formulating the proposed definition of this term that reflects the intent of Congress consistent with the mandate of the Supreme Court’s decisions. Such outreach, although voluntary, is also consistent with the President’s January 18, 2011 Memorandum on Regulatory Flexibility, Small Business, and Job Creation, which emphasizes the important role small businesses play in the American economy. This process has enabled the agencies to hear directly from these small business representatives, throughout the rule development. It has informed the agencies’ approach to this complex question of statutory interpretation, as well as illuminated related issues for possible consideration in separate proceedings. The agencies have prepared a report summarizing their small entity outreach, the results of this outreach, and how these results have informed the development of this rule. This report, *Final Summary of the Discretionary Small Entity Outreach for the Revised Definition of Waters of the United States* (Docket Id. No. EPA-HQ-OW-2011-0880-1927), is available in the docket.

Your letter requests information with regard to the process for determining whether rules are “significant” for purposes of Executive Order 12866 and “major” for purposes of the Congressional Review Act. The Administrator of the Office of Information and Regulatory Affairs in the White House Office of Management and Budget retains final decision-making authority over “significance” determinations under E.O. 12866⁵ and determines whether a rule is

⁵ Exec. Order 12,866, § 6(a)(3)(A), “Regulatory Planning and Review,” 58 Fed. Reg. 51,735 (Oct. 4, 1993), available at <http://www.archives.gov/federal-register/executive-orders/pdf/12866.pdf> (“Each agency shall provide OIRA . . . with a list of its planned regulatory actions, indicating those which the agency believes are significant regulatory actions within the meaning of this Executive order. . . . [T]hose not designated as significant will not be subject to review under this section unless . . . the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of this Executive order.”)

“major” for the purposes of the Congressional Review Act.⁶ In addition, your letter requests documents and information regarding the agencies’ work to meet the requirements of the RFA.

As you are aware, your letter requests documents that are part of an ongoing rulemaking, which is a status that raises particular concerns regarding the independence and integrity of ongoing agency deliberations. The materials you seek are likely to reflect internal advice, recommendations, and analysis by agency staff and attorneys, internal and pre-decisional deliberations that are likely to be the subject of additional discussion and analysis among agency staff and senior policy makers in the future, as the agencies move toward finalizing the rule. It is critical for agency policy makers to obtain a broad range of advice and recommendations from agency staff and to be able to properly execute their statutory obligations under the Clean Water Act and other environmental statutes. Disclosure of pre-decisional information at this stage of the deliberations could raise questions about whether the agency’s decisions are being made or influenced by proceedings in a legislative or public forum rather than through the established administrative process, which is ongoing. In addition, disclosure of such information could compromise the ability of agency employees to provide candid advice and recommendations during the agencies’ ongoing deliberative processes. It could also chill the candor of future Executive Branch deliberations, making the rulemaking process less robust and limiting the agencies’ ability to carry out their missions.

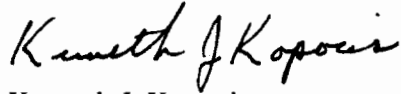
Nevertheless, the agency recognizes the importance of the Committee’s need to obtain information necessary to perform its legitimate oversight functions, and the EPA is committed to working with Congress on such matters. I have enclosed documents that I hope you will find helpful and responsive to your request.

America thrives on clean water. The agencies’ proposed rule is based on sound peer-reviewed science and the law, and, when finalized, will help to ensure that all Americans continue to have reliable access to the clean water on which they rely for public health, jobs, and a healthy economy. The final rule will be far easier to understand and less costly and time consuming to implement than the current rule or the proposal. In addition, it will protect jobs dependent on clean water, save time and money for the regulated community and agencies implementing the Clean Water Act, and ensure that the nation will continue to have abundant and safe supplies of clean water for businesses, farming, communities, fishing and swimming, and drinking. The final rule will reflect important improvements identified through extensive input from the public, including hundreds of meetings with stakeholders and more than one million public comments on the proposed rule.

⁶ 5 U.S.C. § 804(2) (defining “major rule” as “any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in” certain delineated effects).

I hope you find this letter helpful and responsive to your questions. Please feel free to contact me if you have additional questions or your staff may call Tom Dickerson of EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3638.

Sincerely,

A handwritten signature in black ink that reads "Kenneth J. Kopocis". The signature is written in a cursive style with a large, stylized 'K' and 'J'.

Kenneth J. Kopocis
Deputy Assistant Administrator

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations

The Honorable Matt Cartwright, Ranking Member
Subcommittee on Health Care, Benefits and Administrative Rules

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

DISTRICT OFFICE

534 BROADHOLLOW ROAD, Suite 302
MELVILLE, NY 11747
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Congress of the United States
House of Representatives

STEVE ISRAEL
Third District, New York

WASHINGTON OFFICE

2457 RAYBURN HOUSE OFFICE BUILDING
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FAX: (202) 225-4669
www.house.gov/israel
Twitter: @RepSteveIsrael

January 20, 2015

The Hon. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mrs. McCarthy:

I am writing to ask that the Environmental Protection Agency conduct a comprehensive study and make a determination regarding the potential health effects of "tire crumb," which is used as filler in synthetic turf fields and playgrounds. "Tire crumb" or "crumb rubber" is made from ground up car and truck tires and contains many of the same toxic chemicals and metals found in tires.

In 2009, the EPA released a study and accompanying press release, finding that tire crumb playgrounds were "a low level of concern" with respect to potential health risk. However, the study only included four playgrounds and the EPA stated that the findings at those playgrounds could not be extended to determine the safety of other synthetic fields with tire crumb filling.

In 2013, the EPA added a disclaimer to its 2009 press release, stating that the information was outdated and refers readers to another webpage which lists the chemicals contained in tire crumb. Given that there are nearly 11,000 synthetic turf fields in North America, it is imperative that the EPA act swiftly to conduct a comprehensive study on tire crumb beyond the initial four test sites in order to adequately ensure consumer safety.

While I appreciate the important work of the EPA, which has informed us that tire crumb contains carcinogens such as arsenic, benzene, cadmium, and nickel as well as other harmful substances such as mercury and lead, more must be done to fully understand the potential health risks that tire crumb could pose. That is why I am calling on the EPA to conduct a comprehensive study and to work with the synthetic turf industry and environmental health advocates to ensure that these products are safe for all consumers.

I appreciate your attention to this important matter and look forward to your response.

Sincerely,

STEVE ISRAEL
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Steve Israel
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Israel:

Thank you for your letter dated January 20, 2015, in which you indicate your concern about the potential health effects of tire crumb used in synthetic turf fields and playgrounds. In your letter, you request that the U.S. Environmental Protection Agency (EPA) conduct a "comprehensive study," and that we work with the synthetic turf industry and environmental health advocates to ensure consumer safety with regard to these products. The agency shares your interest in the safety of tire crumb used in synthetic turf fields and playgrounds, and is aware of public interest in both the benefits of and the potential health concerns with these products.

We have met with representatives of the synthetic turf industry and with interested citizens' organizations. We expect to continue engaging with these groups as well as other federal entities, such as the U.S. Consumer Product Safety Commission and Health and Human Services, to determine the best path forward.

Again, thank you for your letter. Should you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or 202-564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "Lek Kadeli", is written over the word "Sincerely,".

Lek Kadeli

Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

February 3, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We write to express our concerns regarding the proposed "Clean Power Plan" for the Clean Air Act section 111(d) announced by the Environmental Protection Agency on June 2, 2014 and the proposed goal of Washington State reducing carbon emissions by 72 percent, which would be the largest reduction goal issued to any state in the country.

Not only is this proposal an unprecedented attempt by the EPA to change the way our State will generate and consume electricity, the proposed rule also ignores Washington State's current status as one of the lowest carbon emitters in the country. As such, our State will be forced to employ energy sources that are far less reliable and much more costly at the expense of our largest, most abundant energy resource -- hydropower.

Hydropower is our nation's most reliable, affordable, and renewable energy source. In fact, last year, hydropower was the single largest source of renewable electricity. Additionally, in Washington -- a state that gets over 75 percent of its power from this clean and renewable energy source -- we have experienced first-hand hydropower's tremendous benefits. Hydropower, and the affordable rates that come with it, encouraged high tech companies like Google and Yahoo to relocate their servers to our state and have also contributed to the creation of manufacturing facilities such as Moses Lake's BMW carbon fiber plant. Yet, in EPA's proposed rule, hydropower is effectively ignored and as such, Washington State is disproportionately affected by EPA's proposed rule.

In the rule, the EPA used a 2012 baseline to develop emissions targets in order to create a 30 percent carbon reduction goal. The problem with using an arbitrary year as a baseline, instead of using the average of multiple years, is that in 2012, Washington State had an abnormally high hydropower year which resulted in a very low carbon emissions year.

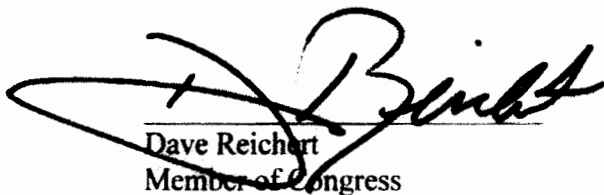
Not only is the State's hydropower production being ignored, but other factors, such as the stringent forced shutdown timeline of the Centralia Coal Plant, make the EPA rule un-functional. The State already has a plan currently in place to fully shut down the Centralia Coal Plant, the State's only coal plant, by 2025. However the EPA's proposed rule forces the shut down by 2020. With the 2025 shutdown already in place, this leaves a five year gap in which the quick shutdown would lead to a reduced energy supply. This means that new energy sources would

have to be created in order to account for this shortened capacity – this is simply not realistic to do in the short amount of time.

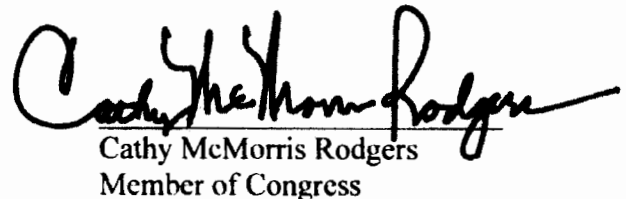
Washington State has a positive emissions story to tell. The State emits less than 7 million metric tons of carbon (by the EPA's own estimates), making it the ninth lowest emitter in the nation. In fact, according the U.S. Energy Information Administration, in 2012 the State emitted only 132 pounds per megawatt of carbon dioxide, the lowest out of any state in the country. Yet, under the proposed regulation, the EPA treats Washington State as the nation's top carbon offender. The rule does not give early renewable energy champions credit for already reducing carbon emissions. Thus, because Washington has already reduced emissions, it will be much more difficult to reduce emissions even further.

While the details of this proposed rule are still being evaluated by all stakeholders, as written, the proposed rule is unworkable for not only Washington State but for the entire country. This will lead to an increased cost of manufacturing, price of goods, and ultimately lead to businesses leaving the State, resulting in job losses. As such, we urge you to reconsider the proposed rule and look to innovative solutions that Washington State is already employing through the use of hydropower to promote lower electricity costs, meet power demands, and promote overall consumer well-being.

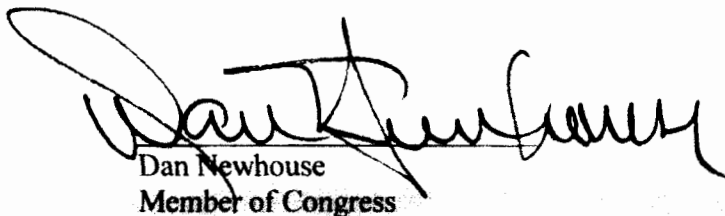
Sincerely,



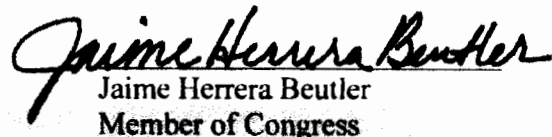
Dave Reichert
Member of Congress



Cathy McMorris Rodgers
Member of Congress



Dan Newhouse
Member of Congress



Jaime Herrera Beutler
Member of Congress

CC: The Honorable Jay Inslee
Governor, State of Washington



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 6 2015

OFFICE OF
AIR AND RADIATION

The Honorable David G. Reichert
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Reichert:

Thank you for your letter of February 3, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or at (202) 564-2023.

Sincerely,

A handwritten signature in dark ink, appearing to read "Janet G. McCabe", is written over a horizontal line.

Janet G. McCabe
Acting Assistant Administrator

AL-15000-6899

PLEASE RESPOND TO:

WASHINGTON OFFICE
2234 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3205
(202) 225-3461
FAX: (202) 226-4169
www.house.gov/meeks

DISTRICT OFFICES:
153-01 JAMAICA AVENUE
JAMAICA, NY 11432
(718) 725-6000
FAX: (718) 725-9860

67-12 ROCKAWAY BEACH BOULEVARD
ARVERNE, NY 11692
(516) 230-4032
FAX: (516) 230-4045

Congress of the United States
House of Representatives

GREGORY W. MEEKS
5TH DISTRICT, NEW YORK

COMMITTEES
FOREIGN AFFAIRS
SUBCOMMITTEES
BANKING, MONETARY,
AND CREDIT AFFAIRS
EUROPE, EURASIA, AND EMERGING MARKETS
WASHINGTON, DC 20540
FINANCIAL SERVICES
SUBCOMMITTEE
FINANCIAL INSTITUTIONS AND
CONSUMER CREDIT
CAPITAL MARKETS AND
GOVERNMENT SPONSORED ENTERPRISES

March 18, 2015

Ms. Laura Vaught
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

Dear Ms. Vaught:

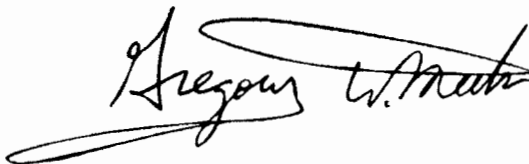
Enclosed is a letter from *exempt b* concerning issues with her employment at the
Environmental Protection Agency. I have also included the privacy release completed by *exempt b*
exempt b

I would appreciate any information and assistance your staff could provide with regard to this
matter. Please direct any correspondence concerning this inquiry to Mr. Nathaniel Hezekiah III,
Project Manager/Community Liaison at my Jamaica District Office, located at the following
address:

Office of Congressman Gregory W. Meeks
153-01 Jamaica Avenue, Suite 204
Jamaica, NY 11432

Thank you for your interest and consideration.

Sincerely,



GREGORY W. MEEKS
Member of Congress

GWM/nh

Congressman Gregory W. Meeks

Date: **03/11/2015**

Agency involved: **US Environmental Protection Agency**

Numbers Identifying Case (VA claim, Alien number, tax ID, etc.): **None**

Name: *exempt*

Branch of Service (If Applicable): **[branchOfService]**

Military Rank (If Applicable): **[militaryRank]**

Place and Date of Birth: *exempt*

Social Security #: *exempt*

Street Address: *exempt*

City, State, Zip Code: **Laurelton, NY 11413**

Telephone #: *exempt*

Email Address: *exempt*

I, *exempt*, authorize the **US Environmental Protection Agency** to release personal information to Congressman Gregory W. Meeks United States Representative. I authorize Congressman Gregory W. Meeks to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

Nature of Problem: **Seeking assistance under NO FEAR ACT**

exempt

PLEASE NOTE:

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry.

Signature: *exempt*

Date: 3 / 11 / 2015

Print, and then mail or fax your request to Congressman Gregory W. Meeks at the following address.

MAR 16 2015

Exempt b
Exempt b

March 10, 2015

Congressman Gregory Meeks
153-01 Jamaica Avenue, 2nd floor
Jamaica, NY 11432

Dear Congressman Meeks,

I am a constituent, ongoing supporter, and formerly worked in your district office in 1999.

I am writing to seek your assistance with a federal agency, the U.S. Environmental Protection Agency. I have worked for the Agency's Region 2 offices in New York City for over 20 years, prior to which I was an agency contractor for 13 years.

As I'm sure you know, about 12 years ago Congress passed the "Notification and Federal Employee Antidiscrimination and Retaliation Act" (No FEAR Act) to hold federal agencies accountable for discrimination or reprisal against employees.

I can tell you it's not working. Having to provide training on employee rights under Federal antidiscrimination laws, and report to Congress and repay claims against them does not prevent the Agency from doing the actual discrimination, reprisal and stone-walling. The law addresses what happens after, and in the meantime, employees suffer. No one in the system like Human Resources or upper management will question a manager's baseless claims or review the facts and put an end to an obvious problem.

I would be grateful if your office could make an inquiry with EPA Region 2 requesting an explanation of my situation in hopes that this will help resolve my problem.

The reason for my urgency is that I am about to go out on medical leave for breast cancer-related surgery on March 12. My operation is a follow-up to cancer some years ago and will require 8 weeks of recovery.

I was recently passed over for a promotion. As a 55 year old African-American female who has always had the high performance ratings and have national-level expertise in my current work, I believed I was the better qualified candidate and filed an EEO claim. That claim has just begun, with no EEO judge assigned. That claim is not the real problem here.

Since then, I have been subject to retaliation. First I was denied a second day of Flexi-place (work at home) for no real reason, even though the federal government encourages this. I have

one day, but it's as if they need to keep an eye on me now. In November I was given my lowest performance rating, only Fully Satisfactory, by my new supervisor. This makes no sense since at the same time I was awarded two EPA Bronze Medals, one from EPA HQ and one from the Region, for my work on a new EPA computer system roll-out.

Last month I advised my management of my pending medical absence. Several days later, I was told that I was being put on a Performance Assistance Plan (PAP), meaning that my work – the same work that I got 2 Bronze medals for – was suddenly less than Fully Satisfactory. They also took away my one Flexi-place day, which will prevent me from work at home after my recovery when it will help the most to avoid the pain of commuting.

Our region rarely gives anyone on a PAP, let alone high achieving professionals like me. There are documented problems with the new computer system rollout which everyone involved is well aware of. These are typical for a new system. As I said, I'm a national leader on this through my EPA work groups on this system.

It's bad enough that the PAP is baseless but giving me a long list of assignments to finish 2 weeks before surgery is a new low. I was also told this PAP will continue even after I come back. On top of my health I have to worry that the next step to try to remove me and lose my insurance or force me to retire. For budget reasons, the agency is trying to get rid of older, more expensive workers, but retiring is supposed to be voluntary.

Any decent person would know that this stress is not good for my current health. Through my local, I asked if EPA could postpone these actions until after my medical leave. They refused. Instead, they offered me a "new" lower position, to end the PAP and get back Flexiplace if I agree to make the EEO claim go away. This tells me exactly how real the problem is.

I can't wait three years or more for the EEO process to be a forum to prove retaliation while the Agency uses wrongful personnel actions to try to force me to give in.

I would greatly appreciate an inquiry on my behalf regarding these baseless personnel actions (not the EEO promotion issue). My hope is that this will shed some needed light on this injustice and get them to stop.

Please let me know if you have any questions that I can answer. I can be reached at

Example by phone at Example

Thank you so much for your consideration.

Sincerely,

Example
Example

Congress of the United States
Washington, DC 20515

March 2, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460

Dear Administrator McCarthy:

We write regarding the Environmental Protection Agency's (EPA) proposed plan for the cleanup of the Velsicol Burn Pit Superfund Site located in St. Louis, Michigan. As you know, for more than a decade this site was used by the Michigan Chemical Company, and later the Velsicol Chemical Company, as a place to burn and dispose of industrial waste, including the pesticide DDT. This industrial pollution contaminated the soil and surrounding groundwater. We encourage the agency to address the concerns of local officials and citizens before finalizing its proposed plan to remove industrial pollution from the site.

In recent public comments submitted to the EPA by the Pine River Superfund Citizen Task Force and the city of St. Louis, citizens expressed concerns that the EPA's proposed cleanup plan for the site did not contain enough detail for the community to make an informed decision. The document fell short in its failure to plan for real-time monitoring during remediation; its lack of confirmation sampling after the EPA's planned treatment is finalized; its reliance on a pumping system proposed for another site, but not yet installed; and its failure to plan for long-term monitoring of the site.

We share the community's concerns and commitment to protect human health and the environment. We ask that any final remedy ensure the health and safety of St. Louis residents and allow for the restoration of the economic and recreational potential of the property.

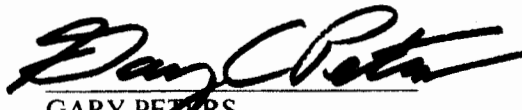
According to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the EPA must meet nine criteria when choosing a remedy for a Superfund site, one of which is community acceptance. As the EPA works to finalize a cleanup plan for the site, we ask the agency to give strong consideration to the voice of the community as well as maintain a transparent and inclusive process.

Thank you in advance for your prompt attention and response to this matter.

Sincerely,



DEBBIE STABENOW
U.S. Senator



GARY PETERS
U.S. Senator



JOHN MOOLENAAR
Member of Congress



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

AL-15-000-61130

APR 07 2015

The Honorable Debbie Stabenow
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your March 2, 2015 letter regarding community concerns about the U.S. Environmental Protection Agency's proposed plan for operable unit 1 of the Velsicol Burn Pit Superfund Site in St. Louis, Michigan.

The Agency is currently reviewing comments submitted during the public comment period, which ended on January 24, 2015. EPA held a public meeting on December 3, 2014 as part of the comment process. The Agency will carefully consider all comments before selecting the final cleanup plan and will prepare responses to comments, as well. EPA will also keep the community informed throughout the decision-making and cleanup process at the Velsicol Burn Pit Site.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Eileen Deamer or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman
Regional Administrator



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

February 24, 2015

Christopher P. Bertram, Staff Director

Katherine W. Dedrick, Democratic Staff Director

Mr. Ken Kopocis
Deputy Assistant Administrator
Office of Water
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 4101M
Washington, D.C. 20460

Dear Mr. Kopocis,

I cordially invite you to present testimony at a hearing before the Subcommittee on Water Resources and Environment titled "The President's Fiscal Year 2016 Budget: Administration Priorities for the U.S. Environmental Protection Agency." The hearing will take place on Wednesday, March 18, 2015 at 10:30 a.m. in 2167 Rayburn House Office Building.

Please submit 100 copies of your testimony to Mike Legg in 2165 Rayburn House Office Building by 5:00 p.m. on Monday, March 16, 2015. Please send an electronic version of your testimony to Tracy Zea at Tracy.Zea@mail.house.gov. Also, please be advised that oral statements to the Subcommittee will be limited to five minutes.

In compliance with the Americans with Disabilities Act, if you need any reasonable accommodations for a disability to facilitate your appearance, please contact Mike Legg at (202) 225-9446, at least two business days before the hearing.

If you or your staff have any questions or need further information, please contact Geoff Bowman of the Committee at (202) 225-4360.

Sincerely,

A handwritten signature in black ink that reads "Bob Gibbs".

Bob Gibbs
Chairman



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

**Bill Shuster
Chairman**

Washington, DC 20515

**Peter A. DeFazio
Ranking Member**

February 24, 2015

Christopher P. Bertram, Staff Director

Katherine W. Dedrick, Democratic Staff Director

**Mr. Mathy Stanislaus
Assistant Administrator
Office of Solid Waste and Emergency Response
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 5101T
Washington, D.C. 20460**

Dear Mr. Stanislaus,

I cordially invite you to present testimony at a hearing before the Subcommittee on Water Resources and Environment titled "The President's Fiscal Year 2016 Budget: Administration Priorities for the U.S. Environmental Protection Agency." The hearing will take place on Wednesday, March 18, 2015 at 10:30 a.m. in 2167 Rayburn House Office Building.

Please submit 100 copies of your testimony to Mike Legg in 2165 Rayburn House Office Building by 5:00 p.m. on Monday, March 16, 2015. Please send an electronic version of your testimony to Tracy Zea at Tracy.Zea@mail.house.gov. Also, please be advised that oral statements to the Subcommittee will be limited to five minutes.

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If you or your staff have any questions or need further information, please contact Geoff Bowman of the Committee at (202) 225-4360.

Sincerely,

**Bob Gibbs
Chairman**

AL-15-000-4294

MICHAEL F. BENNET
COLORADO

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
HEALTH, EDUCATION, LABOR,
AND PENSIONS

United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:
458 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5852

COLORADO:
1127 SULLMAN STREET
SUITE 150
DENVER, CO 80203-2398
(303) 455-7600
<http://www.bennet.senate.gov>

January 12, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

The Honorable John M. McHugh
Secretary
U.S. Department of the Army
The Pentagon, Room 3E700
Washington, DC 20310

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250

Dear Administrator McCarthy, Secretary McHugh, and Secretary Vilsack:

I write to relay suggestions from Colorado's water community regarding the Administration's proposed rule to clarify the Clean Water Act. As you know, we must have a clear understanding of where the Act applies in order to protect the nation's water. The rulemaking has the potential to provide greater certainty while making important improvements to water quality and aquatic wildlife habitat.

Coloradans value clean water and understand its importance to our economy, environment and well-being. The Colorado River, with its headwaters in Rocky Mountain National Park, serves 30 million people across the West. Many farmers, ranchers, business people, government leaders, hunters, anglers, and other constituents from across Colorado have voiced their support for the Clean Water Act and the need for the additional clarity that a revised rule could provide.

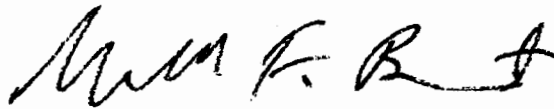
As a member of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, I appreciate your thoughtful responses last fall to the Committee's letter relaying concerns raised by agricultural producers. It is encouraging to hear that the Administration will clarify the definitions of key terms in the final rule.

Below are additional suggestions that I have heard from both the public and private sector in Colorado. It is my hope that the Administration will consider these commonly expressed concerns in its final rulemaking:

1. Ditches are critical to meeting agriculture and municipal water needs across the West. Because most of these ditches begin or end in a waterbody, they are not excavated wholly in uplands. My office has received reassurance that the current agricultural exemptions will be retained and perennial ditches will likely not become jurisdictional. Similar clarity is needed for our municipal water providers.
2. Forest fires and floods are becoming increasingly common across the West. Local governments must respond quickly during and after these events to manage storm water and restore infrastructure to maintain public health and safety. These response actions serve to protect and enhance waterways, though they sometimes have proceeded in a fashion that has resulted in adverse effects on fish and wildlife habitat. I encourage the Administration to evaluate the possibility of extending limited exemptions for stormwater and debris management in the case of natural disasters, while maintaining needed safeguards for habitat.
3. Dry drainages such as arroyos and washes are common across the arid West. Water only flows through these features after large, infrequent rainfall events. The proposed rule would classify ephemeral drainages as jurisdictional, which could place significant regulatory burdens on infrastructure projects without associated water quality benefits. I urge the Administration to consider the unique characteristics of the arid West in its final rule and consider the merits of a case-by-case jurisdictional determination of ephemeral features.
4. Several municipalities have raised concerns that parts of their drinking water treatment systems or water recharge and reuse facilities could become jurisdictional under the proposed rule. These facilities include lined reservoirs that are potentially adjacent to waters of the U.S. The jurisdictional status of these water treatment facilities should be clarified in the final rule.

Thank you for your consideration of these sentiments from Colorado and for your efforts to protect water quality across the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Bennet", with a stylized flourish at the end.

Michael F. Bennet
U.S. Senator



MAY 26 2015



**The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510**

Dear Senator Bennet:

Thank you for your January 12, 2015, letter on the U.S. Environmental Protection Agency's and the U.S. Department of the Army's proposed rulemaking to define the scope of the Clean Water Act, consistent with science and the decisions of the Supreme Court. The agencies' rulemaking process is among the most important actions we have underway to ensure reliable sources of clean water on which Americans depend for public health, a growing economy, jobs, and a healthy environment.

We appreciate your relaying suggestions from Colorado's water community and sharing your concern regarding the importance of working effectively with the public, and particularly stakeholders in the West, as the rulemaking process moves forward.

During the public comment period, the agencies met with stakeholders across the country to facilitate their input on the proposed rule. We talked with a broad range of interested groups including farmers, businesses, states and local governments, water users, energy companies, coal and mineral mining groups, and conservation interests. In October 2014, the EPA conducted a second small business roundtable to facilitate input from the small business community, which featured more than 20 participants that included small government jurisdictions as well as construction and development, agricultural, and mining interests. Since releasing the proposal in March, the EPA and the Corps conducted unprecedented outreach to a wide range of stakeholders, holding nearly 400 meetings all across the country to offer information, listen to concerns, and answer questions. The agencies completed a review by the Science Advisory Board on the scientific basis of the proposed rule and will ensure the final rule effectively reflects its technical recommendations. These actions represent the agencies' commitment to provide a transparent and effective opportunity for all interested Americans to participate in the rulemaking process.

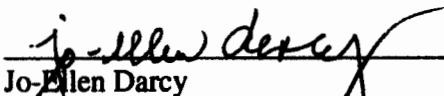
It is important to emphasize that the proposed rule would reduce the scope of waters protected under the Clean Water Act compared to waters covered during the 1970s, 80s, and 90s to conform to decisions of the Supreme Court. The rule would limit Clean Water Act jurisdiction only to those types of waters that have a significant effect on downstream traditional navigable waters - not just any hydrologic connection. It would improve efficiency, clarity, and predictability for all landowners, including the nation's farmers, as well as permit applicants, while maintaining all current exemptions and protecting public health, water quality, and the environment. It uses the law and sound, peer-reviewed science as its cornerstones.

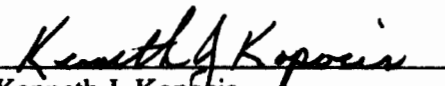
Your letter expresses specific concerns regarding the impact of the agencies' proposed rule on Colorado and on the Western U.S., with special focus on exemptions for certain ditches and for ditch maintenance, managing stormwater, ephemeral waters that are common in the West, and on both drinking water treatment systems and water recharge. A key goal in developing the rule is to provide increased clarity and predictability for identifying waters that are, and are not, covered by the CWA. We believe the final rule accomplishes this important objective in a manner that is consistent with the CWA and decisions of the Supreme Court. The final rule will be responsive and address many of the issues you raise in your letter in ways that ensure protection of waters we all can agree need protection, but also in ways that recognize limitations greater than those that existed under the CWA in the 70s, 80s, and 90s.

America thrives on clean water. Clean water is vital for the success of the nation's businesses, agriculture, energy development, and the health of our communities. We are eager to define the scope of the Clean Water Act so that it achieves the goals of protecting clean water and public health, and promoting jobs and the economy, in a way that works for Coloradans as well as all Americans.

Thank you again for your letter. We look forward to working with Congress as our Clean Water Act rulemaking effort moves forward. Please contact us if you have additional questions on this issue, or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836, Chip Smith in the Office of the Assistant Secretary of the Army (Civil Works) at charles.r.smith567.civ@mail.mil or (703) 693-3655.

Sincerely,


Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army


Kenneth J. Kopocis
Deputy Assistant Administrator for Water
U.S. Environmental Protection Agency

MICHAEL F. BENNET
COLORADO

COMMITTEE
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,
AND PENSIONS

United States Senate

WASHINGTON, DC 20510-0609

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458 RUSSELL SENATE OFFICE BUILDING
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COLORADO
1127 S. DURANGO STREET
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DENVER, CO 80235-2998
(303) 455-7600
<http://www.bennet.senate.gov>

March 13, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Administrator McCarthy:

I write to relay suggestions from Coloradans regarding the Administration's proposed rule to address carbon pollution from power plants. We need to reduce these harmful emissions and I commend the Administration for taking the first crucial steps towards this goal through the Clean Power Plan proposal.

Colorado is already facing substantial economic threats stemming from climate change. Farmers and ranchers that drive a \$40 billion statewide industry have been hit by severe droughts and increased temperatures. Colorado's world-class ski areas, oftentimes the lifeblood of our mountain communities, rightly worry about a diminishing winter snowpack. The devastating effects of the September 2013 floods on our communities are a vital reminder of the danger of climate change. Given the threats to these and other sectors of our economy, it is crucial that the Administration finalize a protective Clean Power Plan to reduce carbon pollution.

Colorado is on the right trajectory to meet the Clean Power Plan targets, thanks to investments in cleaner power generation and energy efficiency. I know that the progress made in Colorado serves as a model for other states and we are proud to be leading the way. It is important for Coloradans, however, that implementation of the Clean Power Plan is as workable and effective as possible.

Below are several suggestions based on conversations with Colorado's regulated community that will help our state secure cost-effective pollution reductions as we implement the Clean Power Plan. It is my hope that the Administration will take these suggestions into consideration when finalizing the standards:

1. **Ensuring Equity and Reflecting Leadership:** Colorado is a national leader in the deployment of renewable energy and the transition of coal-fired power plants to natural gas plants. Colorado's ratepayers have already made extensive investments in cleaner electricity generation as a result of our 2004 Renewable Energy Standard, 2010 Clean Air, Clean Jobs Act, and demand side management efforts. In 2012, these investments resulted in more than 5.5 million tons of avoided carbon emissions. By having more diverse energy generation and a greater proportion of renewable energy, Colorado has

less carbon pollution to address than we would have had without those leadership actions. The final standards should be informed by the progress achieved by early-adopter states like Colorado, and should ensure that the compliance pathway for these states reflects their progress relative to states that have yet to take strong action and have even greater potential for carbon reductions.

2. **Interim Targets:** It is important that the carbon pollution reductions achieved by the plan are rigorous and protective. However, because of the assumption that a shift from coal to natural gas could occur very quickly, there is some concern that states with both significant coal and gas generation would be required to follow a relatively rapid glide path to achieve the initial interim targets. I appreciate EPA's efforts to take comments on ideas that would enable those states to implement a more gradual glide path to achieve their average interim emissions rate while still securing rigorous cumulative reductions.
3. **Technical Corrections:** Several Colorado utilities have concerns with the emissions data used to calculate statewide goals. For example, operational variations at individual power plants or incorrect unit-level data may have skewed baseline emissions estimates. The EPA should take care to use the best available data and consider adopting a multi-year emissions baseline.

Thank you for your consideration of these comments from Colorado and for your efforts to decrease carbon pollution across the country to protect public health and strengthen our economy. I stand ready to work with your agency and the Administration to help facilitate the successful adoption of the plan across the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Bennet", with a stylized flourish at the end.

Michael F. Bennet
U.S. Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 6 2015

OFFICE OF
AIR AND RADIATION

The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter of March 13, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "J.G. McCabe", is written over a horizontal line.

Janet G. McCabe
Acting Assistant Administrator

R8-15000-6574

Russo, Rebecca

From: Fitzgerald, Doug <Doug.Fitzgerald@mail.house.gov>
Sent: Wednesday, February 11, 2015 8:53 AM
To: Russo, Rebecca
Subject: Congressman Tipton/Congressional Inquiry
Attachments: *exempt b*

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Russo –

Congressman Tipton has been contacted by *exempt b* regarding concerns about the Colorado Smelter Superfund Site in Pueblo, Colorado. Below is the correspondence (in blue) from *exempt b*

Dear Congressman Tipton:

I am writing to you in regard to the Colorado Smelter Superfund Site in Pueblo. Last night (2/3/2015) at the EPA's Public Meeting, the *exempt b* of the EPA let it slip that the EPA will be recording a "Notice of Environmental Conditions" with the County for properties located within the Superfund area. However, in his explanation, it was not clear as to when the Notice would be filed. Clarification is being attempted to find out as to when this Notice will be recorded against properties. For those who are not a member of the real estate industry, this may not seem like a big deal. However, this could be catastrophic in nature to the neighborhood. When a person attempts to sell their property, a title search will be done by a Title Company. The "Notice of Environmental Conditions" will then come up, and the Title Company will NOT issue an ALTA Endorsement 8.1 (Environmental Protection Lien) on the Lender's or Owner's Title Policy. This means that the Lender will not lend on the property attempting to be sold. The property CAN be sold to a Cash buyer, but that Buyer will subsequently not be able to sell the property to anyone with a loan until the Notice has been removed from record. This will have a severely negative impact on the Bessemer, Eilers, Groves, and Blocks neighborhoods of Pueblo. People will not be able to sell their properties, which in turn will cause the neighborhoods to deteriorate. We cannot get timely and accurate information from the Environmental Protection Agency in regard to many of the community's questions. I am asking for your help in obtaining a straight answer from the Environmental Protection Agency in regard to when they are intending to record a "Notice of Environmental Conditions" and at what point they will remove it. Our community desperately needs your help with obtaining straight forward information from the EPA in regards to our questions.

Sincerely *exempt b*

Please review the enclosed Privacy Authorization Form (PAF) from *exempt b*. Any information or assistance you can provide *exempt b* would be greatly appreciated. Your immediate attention to this matter is needed.

Thank you for your time and assistance with this inquiry. It is greatly appreciated!

Doug Fitzgerald

Doug Fitzgerald
Constituent Services Representative
Congressman Scott Tipton

U.S. House of Representatives

Third District, Colorado

503 N. Main Street, Suite 658

Pueblo, CO 81003

t| 719.542.1073

f| 719.542.1127

c| 719.251.5293

<http://tipton.house.gov/>

e| doug.fitzgerald@mail.house.gov



Please [CLICK HERE](#) to subscribe to Tipton's Newsletter

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Privacy Authorization Form

(The Privacy Act of 1974 prevents agencies from releasing information about you to anyone without your written consent. Therefore, our office must have your written authorization before we can initiate an inquiry with a federal agency on your behalf)

CONSTITUENT FULL NAME: exempt b

TODAY'S DATE: 2/10/2015 CONTACT- TELEPHONE: exempt b

DATE OF BIRTH: exempt b SSN: exempt b

CURRENT ADDRESS: exempt b

CURRENT CITY/STATE/ZIP: exempt b

CONTACT- EMAIL: exempt b

AGENCY INVOLVED: EPA CASE/CLAIM NO.: n/a

BRANCH OF SERVICE: (If Applicable) n/a MILITARY RANK: (If Applicable) n/a

I, exempt b exempt b hereby request and authorize the individual and/or
(signed I _____)

agency listed herein to release any and all information in my name and in my records to:

Congressman Scott R. Tipton, CO-3rd CD

Attn: Constituent Services

503 N. Main Street,
Suite 658
Pueblo, CO 81003

609 Main Street,
#105 Box 11
Alamosa, CO 81101

225 North 5th Street
Suite 702
Grand Junction, CO 81501

#2 West Main St.
Cortez, Co 81321

Phone: 719.542.1073
Fax: 719.542.1127

Phone: 719.587.5105
Fax: 719.587.5137

Phone: 970.241.2499
Fax: 970.241.3053

Phone: 970.565.7383
Fax: 970.565.7631

(Please send or fax the form to the district office closest to you to ensure timely correspondence)

If you are working with another Congressional or Federal office, please indicate which:
FOIA for EPA and ATSDR records

Please also provide a **brief description** of your concern and how you would like Congressman Tipton to help you. Attach any other relevant documentation to help us assist you.

The EPA is slow, or is refusing, to provide key information to residents of our neighborhood regarding the recording of a "Notice of Environmental Conditions" against properties. The EPA is also refusing to release the address for which it intends to test properties. As a resident and real estate professional, this is information that is key to my career and home ownership in the area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

MAR 04 2015

Ref: 8RA

The Honorable Scott R. Tipton
United States House of Representatives
Washington, D.C. 20515-5001

Dear Congressman Tipton:

Thank you for your inquiry of February 10, 2015, regarding the Colorado Smelter Superfund Site in Pueblo, Colorado (Site) and two concerns raised by your constituent about the U.S. Environmental Protection Agency's work there. The concerns focused on the EPA's use of property notices and the availability of the addresses for the residential properties the EPA may sample as part of its work at the Site. The EPA has been actively engaged with the Pueblo community regarding this former smelter site for the past several years and shares the community's goal of clarifying and resolving a number of concerns surrounding the Superfund process.

The Site includes large slag piles in the vicinity of the former Colorado Smelter, which was built in 1883 and operated eight blast furnaces and twenty kilns. The smelter was constructed on a mesa, and the waste slag from its operations was dumped into a ravine between Santa Fe Avenue and the Denver & Rio Grande railroad tracks. The initial study area for the Site also includes nearby residential properties. Some of these properties were found to have elevated levels of lead and arsenic from smelter operations that may pose a threat to human health and the environment. These previous sampling results indicate the need for a more detailed investigation to occur to better understand the nature and extent of contamination. The EPA added the Site to the Superfund National Priorities List on December 11, 2014, following extensive outreach to the local community, City and County of Pueblo elected officials and public health representatives.

The EPA is currently working to determine the nature and extent of contamination at the Site. This remedial investigation phase includes data collection for human health and ecological risk assessments, the identification of potential cleanup approaches and the calculation of site-specific cleanup levels. The EPA anticipates that these activities will take two to three years to complete. Thereafter, the EPA will undertake a detailed evaluation of potential cleanup options to address environmental problems at the Site. The EPA will then provide to the public for review and comment a proposed plan for the Site, which outlines the EPA's preferred alternative for completing a comprehensive long-term cleanup. The EPA also will hold a public meeting to provide information to the community about the EPA's preferred alternative and to solicit community feedback. After consideration of all comments received, the EPA will issue a record of decision (ROD), selecting the remedy to clean up the Site and any additional measures necessary to ensure long-term protectiveness of the remedy. The EPA will then implement the selected remedy. Throughout this process, community members and elected officials will have the opportunity to pose questions to the EPA and to receive answers from the EPA through newsletters, fact sheets and regular meetings including meetings of the community advisory group (CAG).



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In addition to addressing near-term risks posed by a site, the Superfund process also must ensure that the selected remedy continues to be protective of human health and the environment over the long term. As part of this process, the EPA will evaluate what additional steps may be necessary in those instances where residential property owners have denied access for sampling or cleanup. The EPA has a range of options it may employ to ensure that the selected remedy is protective. These are commonly referred to as institutional controls, which are administrative and legal controls that help minimize the potential for human exposure to contamination or protect the integrity of the remedy. The EPA will seek community and local government input throughout the Superfund process in selecting institutional controls that are the best fit for the community and also ensure the protectiveness of the remedy.

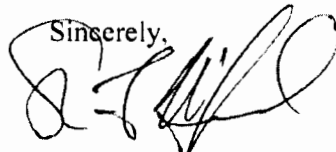
In response to a community member's question during the February 3, 2015, public meeting for the Site, the EPA mentioned the use of property notices as one potential approach to this issue. A property notice is one type of institutional control that may be used when residential property owners do not want the EPA to sample or cleanup contamination on their property. A property notice may be filed in the county property records to indicate either (1) *notice of potential environmental conditions* for a property that was not sampled but is considered by the EPA to be within the area of contamination; or (2) *notice of environmental conditions* for a property that includes the sampling results documenting the presence of contamination above the cleanup levels established for the Site. Any determination by the EPA that property notices may be appropriate to protect human health and the environment at the Site would be made only after the EPA had issued the ROD and had been denied access for sampling or cleanup. Other options may include, but are not limited to, annual notifications, municipal or county ordinances and overlay districts. For additional details regarding institutional controls please reference the EPA's website at <http://www.epa.gov/superfund/policy/ic/>.

For those property owners and occupants who consent to access for sampling, the EPA will provide letters to them including the analytical results from sampling activities on their property or residence. If sampling results indicate that no cleanup is necessary, the property owners and occupants will have the letters documenting this information to use and retain at their discretion. If sampling results indicate that a cleanup is warranted, the EPA will request consent for access to perform that cleanup.

The second concern raised by your constituent was the lack of availability of address information for the residential properties the EPA intends to investigate. On February 17, 2015, the EPA responded to a Freedom of Information Act (FOIA) request for this information. As indicated in the EPA's response to this request, this information is exempt from mandatory disclosure pursuant to 5 U.S.C. § 552(b)(6) (personal privacy). Nevertheless, in an effort to provide additional information to the CAG and the FOIA requestor, the EPA has provided the CAG a map that clearly delineates the study area for the initial phase of the remedial investigation.

Thank you for the opportunity to respond to your constituent's concerns. If the EPA may provide anything further, please contact me, or your staff may wish to contact Rebecca Russo, Regional Congressional Liaison, at (303) 312-6757 or russo.rebecca@epa.gov.

Sincerely,



Shaun L. McGrath
Regional Administrator

SCOTT R. TIPTON
3RD DISTRICT, COLORADO

218 CANNON HOUSE OFFICE BUILDING
(202) 225-4761

FINANCIAL SERVICES
FINANCIAL INSTITUTIONS AND
CONSUMER CREDIT
OVERSIGHT AND INVESTIGATIONS

Congress of the United States
House of Representatives
Washington, DC 20515-0603

March 4, 2015

The Honorable Gina McCarthy
Office of the Administrator – 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

We are writing today to express concerns with the Environmental Protection Agency's (EPA) proposed regulations on ozone emissions. As drafted, the proposed regulations fail to take into account the environmental and topographic conditions unique to Colorado and its neighbors. They impose requirements that would devastate the state's economy and may be, because of natural weather patterns and other conditions, altogether unattainable in many regions.

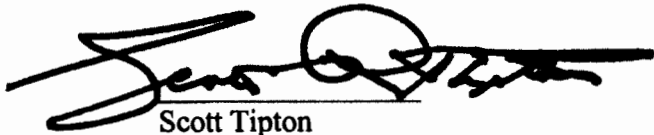
Over the years, the State of Colorado has worked collaboratively with local communities, gathering input from conservation groups and businesses alike, to create a model that ensures a clean and safe environment as well as the flexibility and commonsense needed to encourage economic growth. Through this model, as the Colorado Association of Commerce and Industry (CACI) highlights in the attached letter originally sent to you in February, Colorado is already working to meet or exceed current EPA air quality standards.

While the EPA's proposed blanket regulations would likely do very little to improve Colorado's air quality, they would result in severely detrimental impacts on manufacturing and other activities vital to the health of our state's economy. As CACI states, the proposed regulations jeopardize the economic well-being of workers and employers, housing providers and businesses and would cost Colorado an estimated 11 billion dollars and a loss of nearly 25,000 jobs in the state alone.

Colorado businesses have consistently worked hard to comply with EPA rules and regulations. They have diligently coordinated with state and local agencies to ensure the highest possible standards for air quality, minimum setbacks, water conservation and energy efficiency. Rather than working with the state to take into consideration the many good actors operating their businesses responsibly in Colorado and elsewhere, your agency chose to ignore any possibility of local collaboration with the heavy-handed regulations now bearing-down on communities across the nation.

Colorado businesses and citizens have always taken pride in being responsible stewards of the land and the natural environment. The Washington-knows-best regulations that the EPA is proposing are not only less-effective than the localized approach we've taken in Colorado, but are frankly insulting to those who have put many years of care and hard work into ensuring our state is clean and prosperous. With this in mind, we respectfully ask that you consider the attached letter and how the EPA's proposed ozone regulations will negatively impact the economy, businesses and citizens of Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Tipton", with a horizontal line underneath.

Scott Tipton
Member of Congress

A handwritten signature in black ink, appearing to read "Ken Buck", with a horizontal line underneath.

Ken Buck
Member of Congress

A handwritten signature in black ink, appearing to read "Doug Lamborn", with a horizontal line underneath.

Doug Lamborn
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 14 2015

OFFICE OF
AIR AND RADIATION

The Honorable Scott R. Tipton
U.S House of Representatives
Washington, D.C. 20515

Dear Congressman Tipton:

Thank you for your letter of March 4, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy, regarding the EPA's recent Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets the NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects. The proposed updates will improve public health protection, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. The updates also will improve protection for trees, plants and ecosystems. For more information about this proposal, please visit <http://www.epa.gov/air/ozonepollution/actions.html>. We will give your comments thoughtful consideration and have placed them in the docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "J.G. McCabe".

Janet G. McCabe
Acting Assistant Administrator